

1 number of break-ins conducted by the FBI prior to 1966?

2 Mr. Wannall. Prior to 1966 there has been a figure of
3 248. I think that is the precise figure. I do not know
4 where that figure came from. I would have to go back to
5 the man that I have assigned to this particular area to
6 verify if we in fact can say we made 248. (239)

7 Mr. Vermeire. Out of those 248, how many of those break-
8 ins were conducted on American citizens?

9 Mr. Wannall. I don't know. I do know that we had either
10 14 or 17 targets of domestic organizations. (at least 14)

11 There were numerous surreptitious entries in the
12 case of some of those organizations which runs the figure
13 up much higher than the total number of targets.

14 Records were not maintained. The system was devised.
15 I think perhaps we had talked about this before, that if
16 the recommendation was made it was made a record in our
17 field office file after authorization. It was maintained
18 for a year because we have an inspection of each of our
19 offices each year and the inspector has access to everything.

20 If he found in the files information that was unaccounted
1 for, the special agent in charge could say "Here is my
2 authorization." After that process, the record was
3 destroyed.

1 Mr. Ryan. If I could add to Mr. Wannall's comment,
you mentioned domestic break-ins on U. S. citizens.

1 In the overwhelming majority, in my estimation of so-
2 called surreptitious entries of U. S. citizens or
3 domestic groups there was evidence of foreign influence
4 or control.

5 Mr. Atkisson. What in any of your views were the attributes
6 an individual citizen had to have to qualify for ADEX
7 in the course of its existence?

8 Mr. Wannall. ~~ADEX~~ AEX exists today.

9 Mr. Atkisson. I am asking if it has changed. Let's
10 ask today. What attributes would I have to have to be
11 listed on ADEX?

12 Mr. Wannall. You would have to represent what we
13 considered to be a current threat to the security of the
14 country.

15 Mr. Atkisson. Is association alone with any group,
16 no matter how dangerous, association alone enough to
17 qualify me for that elite group of people?

18 Mr. Wannall. No.

19 Mr. Atkisson. Has that been the case throughout the
20 existence of ADEX?

21 Mr. Wannall. Throughout the existence of ADEX.

22 Mr. Atkisson. I know the difference between the
23 security list and the other.

24 Mr. Wannall. There was the custodial list and the
25 security list and ADEX. The ADEX was established on the

PRESS CONFERENCE OF CLARENCE M. KELLEY
AT MC CORD CK INN, CHICAGO, ILLINOIS
NOVEMBER 5, 1973

THURCK B. MURPHY:

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 3-16-82 BY SP4JEM/cal

Director Kelley. Ladies and gentlemen. It's a pleasure to just be able to say a word about the Police Foundation. We're delighted that Director Kelley has invited us to work with the FBI in this important program of management training. I'm personally very pleased that I'm one of the instructors in the program and that we've been able to assist in providing some of the faculty dealing with such acts as organization and management and organizational change. The Police Foundation is a private foundation created in 1970 by the Ford Foundation with a grant of thirty million dollars. We fund a small number of experimental programs; the three largest programs are in Dallas, Cincinnati, and Kansas City. Director Kelley, when he was Chief of Police in Kansas City, invited the Police Foundation to work with the Kansas City Police Department in the Patrol Experiment which is one of the unique things occurring in police administration in the

becoming (inaudible).

R. KELLEY:

I have of course been very interested in the problem of organized crime here as well as elsewhere. I would be unable to access and evaluate the status of the organized crime situation, but I can assure you this, that it will get all of the attention that it can possibly be given. And, I might inform you that even before I had become comfortably seated in the automobile, which brought me here, Mr. Held asked for some additional Agents. And I'm confident that that would be a group who would work on this problem. Yes, we are aware of it insofar as again, saying how many and what, all I can say is that we're attending to it and we'll try to do our best insofar as lowering it's impact.

R. ROONEY:

QUESTIONER: ✓

Thank you.

Mr. Held, or rather Mr. Kelley, what, if any, role would the FBI play in tracing the whereabouts or the credence of the two missing White House tapes?

R. KELLEY:

We have no role to date whatsoever, I do not anticipate that we will have one. I know

nothing about the tapes, I have never seen them. As a matter of fact I was asked a question, what do they look like and I have been informed by a not too reliable source, that they're round. And actually, that's all I know about them.

QUESTIONER: ✓

In light of the missing tapes, in light of the polls that indicate that vast numbers of Americans have some problem of trustworthiness of the Administration, do you receive any similar feelings within the ranks of the FBI? Could you describe generally how morale was in light of the switches of Attorney Generals and how it is?

R. KELLEY:

Morale, as I first assessed it when I came in, was not at all as it had been described in the media and generally as thought to be by people with whom I talked who were outside the organization. I have, since I came with the Bureau, asked literally hundreds of people, what do you think about morale within the FBI. Not once have I had any statement made to me to indicate that morale is low. I do feel however, that there must be some sagging of

morale on occasion when we are put in the same category as some of the people who have been involved in some of the problems, and it's been generally a disenchantment I think with the Federal Government, and we, by virtue of just being an agency of the Federal Government, are touched to some extent by this. Some people wonder why are you, Kelley, going around and why are you making speeches and why is it necessary to talk about the FBI on such a wide front. I think it's necessary because there's widespread misunderstanding about what the Bureau does. I think also that it's, it's a need that we reassure the people that the FBI still is the staunch professional organization that it always was. I want the people to know, as I have known for many years, that there is no difficulty within the organization which time and restoration or confidence in the organization will not cure. I'm not going to continue stamping throughout the country for an interminable period of time. I recognize that you come to the point where you can talk no more and then you have to perform. I assure you the

we're performing right along but I'm not going to continue this for again, a great length of time. But I do think that it's necessary to acquaint people with what's going on. For example, I understand it's a widespread feeling that the FBI worked separately on the Watergate from Mr. Cox's committee. Well as a matter of fact we conducted a great majority of the investigations for the Cox Committee. They would send us over requests and usually the requests were very definite as to what should be done, but then a sort of a catchall that as we uncover various avenues of furtherance of the information we should take those and so we had some latitude. We worked very closely with the whole committee and I know of no beefs that have been registered about our work, but on the other hand I have heard many, many statements that the Bureau was doing a good job in this regard. So, when you speak of the Watergate investigation by Mr. Cox and his committee, this is actually to a considerable extent a continuation of the TEE investigation.

(Inaudible)

TESTIMONY: ✓

QUESTIONER: ✓

Director Kelley, is the FBI making a thorough, honest check into the Vice President designate, Gerald Ford's background or they just going over it? Are they making a thorough check into his background?

MR. KELLEY:

I assure you that they are making it thorough and also I assure you a very honest investigation. The second batch of reports have been delivered now. They're weighty which is not necessarily indication of the professional type of an approach, but nonetheless shows that we certainly went into it in a very probative manner. You must rely on me when I say that it is honest and the instructions were that we were to pursue every avenue which seems to have any possibility of anything which might be construed as derogatory or to indicate activity which should receive special attention. Everything that's come to our attention has been delved into, probed and all that we might ring out of it has been rung.

QUESTIONER: ✓

Mr. Kelley, if there was any information that his background preclude his being of becoming the Vice President, would this information be suppressed for political purposes?

KELLEY:

First, I must reiterate a statement I made during confirmation and several times thereafter. I can't say what the entire life of the FBI has been, nor can I say what it will be. But I can tell you this. Without interference of any contradiction from anyone, while I'm here, there's not going to be any political pressure exerted successfully. Now that's a rather broad statement perhaps and might be construed as self-serving, but I've been in this business for thirty three years. I've weathered it so far and I'm going to weather it the remainder of the time that I be here, whether it be here one more day or several years. So there has been no pressure which has been given to any of the people within the organization and the report will be free of anything that could be considered as a tape of this type. But again, this is not the only type of investigation where we will stand by this standard. It will be all the investigations of the FBI which will be similarly handled.

Thank you sir.

QUESTIONER: ✓

QUESTIONER: ✓

Mr. Kelley, Mr. Saxbe has been quoted as saying that President Nixon should destroy the Watergate tapes, if something incriminating were found on them. Isn't this (inaudible) found out to be true that you did say that you think (inaudible) be confirmed (inaudible).

MR. KELLEY:

Well, of course now you're asking that I engage in some political maneuvering. And therefore say to you that where there is illegal activity certainly I will be very strong in pursuing it but when there is an opinion to be voiced, and a particularly one where it has political overtones, I feel that I should remain aloof from this type of a thing. But again, that which comes into the area of illegal activity will get prompt and vigorous attention from us. Director Kelley, do you have any general concerns about tension between achieving statistical efficiency, cooperation of police departments throughout the United States at the same time maintaining records which are not later used against persons who are truly innocent. That is having a lot of records of charges against persons who admitted going into a vast company

QUESTIONER: ✓

file, without the notation later that there was a finding of not guilty, eliminated from these records?

R. KELLEY:

There has been, of course, quite a bit of thought concerning the use of the information which goes into what is known as a National Crime Information Center and its criminal history file. And much of the criticism is on the matter of dispositions of arrests. First it must be understood that the NCIC or the Identification Division of the FBI, is a repository so designed many years ago, for criminal records. We try to get dispositions. We try thru many ways asking our Agents to stop by police departments and we also send out letters asking for dispositions. Many do not send them in. They remain on the records. There are bits of legislation now which would cure that. One that I've heard about, that if in a certain period of time, and I think one of them is seven years, there is no disposition, it would be construed as not being guilty. There're other things that are now in the hopper to cure this type of thing. I am not opposed to a fair appraisal of this

situation so that such records would not harm applicants or citizens who do not want this type of record in our possession. More than anything else, however, I would say that the criticism is directed toward the computer operation when in actuality there have been for many years, the same type of record on so-called hard copy, it's been in our records bureau, in the Identification Records. The fact that it's on the computer is to me rather insignificant inasmuch as the computerization is a facility which aides the officer on the street, aides the people who have need for a quick response. But be that as it may, yes I admit that this works a hardship on occasion and we are on many, many occasions talking and negotiating and considering possibilities of making this a less repressive practice. Now we have with us Mr. Murphy who has considerable experience in this and I know has by virtue of his work come in contact with this problem. Would you care to talk about this Pat?

JOHN MURPHY:

Yes, I, I'm aware that not only at the Federal level, but in a number of local and state police

departments, there is a growing concern about first of all security on record systems, and development of criteria that would provide for fairness in protecting of persons arrested who are never convicted of any crime, while at the same time attempting to maintain adequate record systems for the performance of the important of law enforcement agencies at every level. a very complex problem, while I was commissioner in New York early this year, we adopted a new policy of purging our intelligence files of a great deal of information that had been in them for many years, including some information concerning arrest that never resulted in conviction. So although we don't have all of the answers yet I think our citizens can be satisfied that the law enforcement community is sensitive to this important problem and determined to develop a new criteria that would provide for a fair system.

QUESTIONER: ✓

Mr. Kelley, would you kindly give us your opinion of James M. Rochford who's been designated Acting Deputy, or Acting Superintendent of Police here in Chicago?

MR. KELLEY:

I know Mr. Rochford and for the benefit of those who do not know him, he is an Assistant Superintendent of the Chicago Police Department. I have served on panels with him and this is the entire extent of my acquaintanceship with him.

I understand he's been on the department many years and I can speak only, however, of that which was my fortunate capacity as a fellow panelist. And I found that he did a very fine job. These discussions were on crowd control and he seems to have a very fine outlook on that and spoke in a very articulate manner. As far as I know, Mr. Rochford is a fine officer.

QUESTIONER: ✓

Mr. Kelley do you think that a new superintendent of the Chicago Police Department should come from within the ranks or do you think that the city should go outside to look for one?

MR. KELLEY:

I, of course, do not know anything about the local situation. I knew Mr. Wilson very well, and he was a fine administrator. I also knew Jim Conlisk. My feeling about police officials is that it is well to have one come from within the department, thereby having a great background that affords him better acquaintance with the

problems and with the men who will work under
I was one, however, who came from the outside
joined a Department which had some problems at
the time I came. And, it depends on the situation
it depends on the needs. I do say that it would
be very advantageous for a department if they
could take a man from within.

QUESTIONER: ✓

But in light of the corruption, the scandals
are plaguing the Chicago Police Department right
now, do you think that the new superintendent
should come from within the ranks?

MR. KELLEY:

I would not. I don't know enough about the
situation. You say that there is a scandal and
there are prosecutions and, of course, the FBI
has joined in these and I don't by any means,
that we have done a wonderful job, but I think
that we have been helpful insofar as clearing up
this situation. Presumably, in a situation like
this, it certainly stifles that type of action
and if it continues, there will be more cases
uncovered. I again say to you that it depends
to a considerable extent, on the depth of the
problem and I'm not that well aware of what the
problems are here.

QUESTIONER: ✓

Mr. Kelley, my question is rather two-fold. First of all, I was wondering how closely allied are the Central Intelligence Agency and the FBI mainly because of the fact that, if I'm correct they were the engineers responsible for the supervision of the White House tapes, if so, then if the FBI is an investigatory body, and if the two don't confer and relay information, how is it that the FBI investigating the case achieved the proper information? What was the Central Intelligence Agency if they are two diverse groups?

KELLEY:

The Central Intelligence Agency was set up to handle foreign intelligence primarily in the foreign field. The FBI is a counter intelligence agency with its primary jurisdiction right within the Continental United States. We during the years have conducted many, many investigations along with CIA. We, however, are the senior of the two organizations and in our work have found that there are many things which are very helpful and these are in the development of sources and the development of information here in the United States. CIA has grown to the point

where they are, themselves very proficient. Insofar as their engineering of the so-called tape situation, I know no more about that than what I read in the paper and presumably what you know. I do know, however, that our two organizations work very closely together. I had a meeting not long ago with the Director of CIA and we reached a complete agreement as to our separate jurisdictions, there are no conflicts whatsoever. We work well together, and I assure you that there being a continuation of our cooperative spirits between us, that we will work well together in the future.

QUESTIONER:

Mr. Director, how widespread, how serious is the problem of Communist subversion in the United States today?

A. KELLEY:

I'm frequently asked this question, and naturally there have been many who say that the Communist threat is no longer one which we should be frightened about nor one which should concern us particularly. I am confident that there is some measure of lessening of importance of the Communist threat, but we must always remember that the Communist Party has as its goal,

principle, or objective, of trying to change our form of government and to do this on occasion by force and hopefully, however, just by taking us over. We haven't weakened to that point. My feeling about this is that we should never completely relax our vigilance. Right now we're spending a great deal of time on the terrorist activities. That certainly consumes a major portion of the time of any government which is assailed by this type of a threat. But we have not completely ignored the possibility of a revival of the Communist threat. Now again I don't say that it is as strong as it once was. I don't say that it consumes a major portion of our intelligence investigative activity, but we are not ignoring the possibility that it might have a resurgence.

QUESTIONER: ✓

Do you see any connection between the terrorist activity and Communist subversion?

R. KELLEY:

Well, we don't actually have direct evidence. There could be and that's what we're always alert to. The terrorist activities are not typical of the Communist activities in the past. We're in a sort of a new ball game insofar as

the terrorists are concerned. It is something that we are going to be tuned to and will try to follow in the event it does spring into our recognition. We, in other words, are watching things and trying to keep alert because after all we're here on the domestic scene charged with the responsibility of prevention of these difficulties. And we're not going to overlook any possibility.

QUESTIONER:

Why wasn't there an investigation of Mr. Jaworski?

R. KELLEY:

Why was there not an investigation of Mr.

Jaworski? He was appointed by the Attorney

General and presumably it was an appointment made

in furtherance of the traditions of the establishment of this committee, and I frankly, was

not there when Mr. Cox was appointed. Was he

investigated?

R. HELD:

Right. So was Mr. Jaworski.

R. KELLEY:

Mr. Jaworski, after having been appointed was investigated and the investigation is still going on.

R. HELD:

Right, right.

R. KELLEY:

It's going on right now. But he was appointed with the thought in mind that it's following

the tradition of the Attorney General making the appointment.

QUESTIONER: ✓

(Inaudible)

Chicago (inaudible) the so-called radical factor, are most of them (inaudible) proven innocent. Many have had FBI Agents (inaudible) classified (inaudible). Is that at all (inaudible) the FBI?

R. KELLEY:

I don't know what cases you're speaking of. I would say that to an Agent who is investigating a case, losing a case, it would have somewhat of a feeling of morale. It would damage his morale to some extent, but we try constantly to imbue our people with the idea that we're not the judge and jury. We're the investigator. In the event a person is found not guilty, that is the decision of the court, this is the justice of the land, and forget this business about having pride in what you think is a job well done. You did your best, forget about it, and go on to the next one. And, frankly, I think that this, as a morale-damaging factor, is very minimal.

QUESTIONER:

Mr. Kelley, if I may go back to Mr. Calloway's questions for a recall. It is my understanding that the raw files on individuals such as myself or others, are not being erased, are not being eradicated. Is that correct?

MR. KELLEY:

That's correct.

QUESTIONER:

Thank you.

QUESTIONER:

Mr. Director, I can imagine that one of the great sources of material for any American historian would be the files of J. Edgar Hoover for historical purposes if not for immediate political purposes. Are there any things in those files that you had an opportunity to look into that will be of great interest to historians of the future or headline seekers of today? Is that something that you've had to get into or will they be held in abeyance for several years? What's happening to his extensive file?

MR. KELLEY:

Mr. Franck is the Assistant Director in charge of the External Affairs Unit. Mr. Franck, would you explain this matter of the disclosure of files?

FRANCK:

I know of no file of J. Edgar Hoover. All the files that belong to the FBI (inaudible). I don't have them.

QUESTIONER:

I meant those files that he made of personal memos, memos of conversations of Attorney Generals, Presidents, that sort of thing. I meant those files which he would've kept, which then would (inaudible) possession of the FBI. His memorandums.

FRANCK:

Unless Mr. Kelley corrects me, I know of no files, of his personal files. Now, he may have personal correspondence, but anything pertaining to investigation, any pertaining to our jurisdiction, would be in a case file at FBI Headquarters.

QUESTIONER:

Is anyone currently doing research for a biography on Mr. Hoover?

KELLEY:

I can answer that.
(Inaudible)

KELLEY:

None, not coming to us.

QUESTIONER:

No secret file. Not coming to you.

KELLEY:

That's right.

QUESTIONER:

Not coming to you.

KELLEY:

Not coming to us, that's right.

QUESTIONER:

Mr. Director, do you feel that the burglary of Daniel Ellsberg's psychiatrist's office was a legitimate exercise of executive power? If, in similar circumstances, you were directed to conduct such an operation, does this fall within the legitimate exercises reported by the FBI?

Could you comment on this?

KELLEY:

Well, I refer you to the statement made by Mr. Nixon himself, that this was something that should not have been done and certainly I would not have joined in anything such as this. The fact that it happened was a most unfortunate thing, because some people have thought that the FBI was involved in this. No, I do not subscribe to that type of activity and will not permit it to be done. It was something which was most unfortunate.

QUESTIONER:

If in what instance is surreptitious entry justified?

KELLEY:

The question is one which is very broad in its scope. When can you make a surreptitious entry? There are occasions, of course, when by virtue of a Title III, Omnibus Crime Bill, there can be a surreptitious entry in order to install an

authorized make, for example. And presumably
the past; but not now, there have been some cases
where there have been some, at least the news
media has reported many such things. It depends
in the field of criminal investigations, whether
or not you have proper judicial process, that
being the application under Title Three, the
Omnibus Crime Bill, and, in national security,
whether or not you have a situation which is of
sufficient magnitude and importance to warrant
some unusual things. I cannot give you a direct
answer insofar as the latter. I just haven't
had any occasion to have any of that done and
is my understanding that it's been several years
since it's been done. We just haven't had the
situation brought to our attention recently, so
I'm just speaking about speculative things.

Insofar as the Omnibus Crime Bill, yes.

R. REID:

Mr. Kelley, as you know we have a little captive
audience here. I wonder if any of the wives or
any of the Agents in the class might have a
question.

QUESTIONER: ✓

What's the purpose of this class? Could you
explain to the people here?

R. KELLEY:

This class is one consisting of Assistant Directors, Agents in Charge, and Assistant Agent in Charge, who have been brought here to be in sort of symposium atmosphere for five days, during which time they'll hear people who come from all over the country who are authorities on management. These are people supplied to us, and under agreement with us, by the Police Foundation. I suppose were I to summarize, the thing that I feel hopefully will occur would be that our people will become closer to and recognize the matter of change. I'm a new Director and I have a different idea about management, as you already know. There's a different type of treatment to be given to the news media people. I hope that we can always avoid, for example, that very repugnant phrase "no comment". You might on occasion say, well maybe he didn't say no comment but he said the same damn thing in a lot of words. Well, that may be true, but I hope that we can be better acquainted and we can work better together. A part of this symposium is the matter of dealing with the news media. All and all it's just a general unraveling of matters which will place

our people in a more receptive mood to the things which will come to pass. And these will be as a result of a review of our entire operation. I can't say that we're going to make many changes but the possibility exists that we will.

QUESTIONER:

Mr. Kelley, how well are the minorities represented in this group? In the FBI.

MR. KELLEY:

There are none I'm sure. Is that right?

MR. HELD:

I didn't hear the question.

QUESTIONER:

What kind of minorities are represented?

MR. HELD:

In this group here?

QUESTIONER:

In this symposium and in the FBI.

MR. HELD:

This is just a portion of what's being held all over the country.

QUESTIONER:

Are they Agents in Charge?

MR. HELD:

That's right, Agents in Charge, Assistants, Assistant Directors, as he said.

QUESTIONER:

From all the top ranking FBI?

MR. HELD:

In the field?

MR. KELLEY:

Yes.

QUESTIONER:

Are minorities represented?

MR. KELLEY:

No, they are not.

QUESTIONER:

Why not?

MR. KELLEY:

Well we do not have any minorities who are Agents in Charge or Assistants. We have some

We have about eighty-eight black Agents at this point and at least one female Agent. We have several who have certainly risen rapidly within the organization. There is nothing to preclude them from coming into and going up in the FBI, but they just haven't. The first black Agent die, I recall, was a man who worked in Mr. Hoo Office many years ago and for many years. But very frankly, we have only had black Agents in the field in the recent past. And I cannot say that there was any excuse for this. All I can say is that we're very happy with those we have now, and, hopefully in the years to come maybe next year, maybe the year after, we'll have a representative here.

And that's the extent of it?

Indeed.

If I could add, Mr. Kelley, we have two minor group Agents in supervisory positions in the Chicago Office.

(Inaudible)

They are in charge of and are supervising a of Agents who in this instance are investigating criminal activities.

QUESTIONER: ✓

MR. KELLEY:

MR. HELD:

QUESTIONER: ✓

MR. HELD:

QUESTIONER: ✓

Mr. Kelley, you spoke of changes in relations with the press. Mr. Hoover took it upon himself not only to administer the FBI in terms of its technical legal responsibilities, its investigative responsibilities, but also created a school of a high type (inaudible) of, what I think he called, moral leadership. (Inaudible) called the people that you have a higher moral fiber, stronger moral fiber, that sort of thing. That type of (inaudible). Some people thought it was great, some people thought it was the worst (inaudible). Do you see your responsibilities in terms of speaking, writing magazine pieces, speeches, that sort of thing, to create a call for higher moral fiber, that sort of thing.

KELLEY:

I see my role as almost exclusively in the field of law enforcement. I do feel that this on occasion might indicate a need to talk about some morale problem. I do not have the wide experience nor do I have the standing of Mr. Hoover. I've been here only a few months. I do not feel that I have at this point any position which would warrant this type of an approach. It does appear to be something which would be

KNOWN MALE:

helpful, I assure you I would not hesitate to embark upon this type of thing.

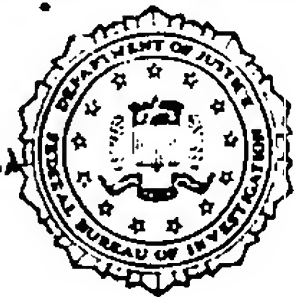
May I say something? If I may comment on that, because of the way law enforcement is organized in the United States, I think Mr. Hoover had been a spokesman for law enforcement. I think I speak for the police community and law enforcement community in the nation, especially those with backgrounds in local policing, that we're very proud that Clarence Kelley as the new Director of the FBI will be our spokesman and can speak from a background of both Federal and local law enforcement which is encouraging. We do need a spokesman in law enforcement. I know I speak for many others in law enforcement. We are delighted that he will be a spokesman for us. I hope he will be.

HELD:

I'd like to add, you know there's an old adage about behind every good man there's a better woman. And we're very fortunate to have Mrs. Kelley with us today. Would you stand up? (Applause).

If there will be no more questions gentlemen, we're going to conclude it as I have to rush Mr. Kelley to an airplane.

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

FOR RELEASE
6:30 p.m., CDT
FRIDAY, MARCH 29, 1974

THE FBI'S ROLE IN PROTECTING AMERICA

AN ADDRESS BY

CLARENCE M. KELLEY

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

AT THE

UNIVERSITY OF KANSAS

LAWRENCE, KANSAS

MARCH 29, 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-16-82 BY SP4JRM

I appreciate the opportunity of returning to my old alma mater here at the University of Kansas. I've always been proud of my Jayhawker degree of 1936. Why shouldn't I? I can think of no better school throughout this Nation for a young man or woman to attend. I am proud to be an alumnus of this great institution...and I'm proud of its students and faculty members.

1936 is a long time ago...and thinking back to my student days here in Lawrence brings back nostalgic memories.

I recently read an interesting article by Dick Russell about myself in the Kansas Alumni - and I discovered some of the things I did in those days: that I "rodded" around campus in a blue convertible called "Bluebird" (we probably had all the gasoline we wanted then); that I downed near-beer and hard-boiled eggs with the best of them at Hillside Pharmacy at 9th and Indiana; that I was called "Chief" because my jutting jaw looked so much like the Indian on Big Chief school tablets.

And maybe there are a few other things Dick Russell didn't print.

For a few minutes today I want to talk to you - very seriously - about a topic of deep concern to us in the FBI, to you as citizens of Lawrence, to all patriotic Americans - and this is our Nation's internal security.

Perhaps you have seen recent mention in the press about the FBI and its policies on internal security - and by internal security we mean our efforts to protect you and other Americans from the foreign spy, the saboteur, the urban guerrilla, the terrorist. The media has recently carried stories utilizing the term "cointelpro" - which is an FBI term relating to certain aspects of internal security.

When we talk about internal security, the FBI's position - and my position personally - is that we must never allow any subversive group of terrorists or individuals advocating violence to bring this great Nation to its knees. I am confident that you too agree with me. America must be ready, able, and willing, at all times, as a democratic nation, to protect its own integrity, independence and freedoms. No terrorist group, or organization threatening violence, should ever be allowed to subvert our historic principles of free government.

The FBI's position is to forthrightly, honestly, and within the bounds of our laws, protect our country from the predatory attacks of those who are not bound by legal scruples or by loyalty to our country. This has always been the FBI's position. It is the FBI's position today. It will be the FBI's position as long as I remain as Director.

In considering the FBI's actions in protecting our society, we must recall the 1960's, when this Nation experienced a period of extreme social unrest and physical violence. We well remember the riots both on the streets and on the campuses. Academic buildings were seized, administrative personnel kidnaped, entire universities brought to a halt. From coast to coast this violence became a threat to the integrity of our institutions.

These were the days of the planting of bombs in military installations, in office buildings, even on campuses. Manuals setting forth instructions for the making and planting of bombs circulated.

In this atmosphere of unrest, extremist groups of various types were active. They hated our government and our democratic liberties. They were interested in destruction and injuring this country. Nothing could have pleased them more than to have rendered this Nation incapable of resolute and effective action for its own defense.

Into FBI headquarters and field offices day after day poured reports of extremism. The question arose: What can be done to meet this extremist challenge? What steps should be taken to protect the rights, lives and property of law-abiding citizens?

There was a vital need for action. The Government had to protect our society. If the extremist groups, and their mentality of terrorism, were allowed to gain even a temporary ascendancy, great damage might be done to the freedoms which form the lifeblood of our democratic society.

As a result of this crisis in the 1960's and early 1970's, the FBI instituted a program called "cointelpro" which is an abbreviation which simply means "counterintelligence program." This program was a positive effort to reduce and lessen the extremist danger. It was designed to bring under control and weaken extremist groups, such as the Students for a Democratic Society (SDS), the Weatherman and other revolutionary organizations, and to protect the rights of innocent citizens. The gospel of violent revolution and insurrection had to be halted. If permitted to proliferate, it could seriously jeopardize our constitutional system of government.

Now, I was not in the FBI at the time this counterintelligence program was operating. However, I can well understand the feelings of the FBI and the Government. I am convinced that the motivation behind "cointelpro" stemmed from a sincere and patriotic desire to protect our government and our democratic principles.

The main point is that the FBI, the governmental agency responsible for protecting our internal security, at a moment of crisis did not stand idly by and allow our freedoms to be jeopardized. It took positive action. It could be justifiably criticized if it had not moved aggressively to counter this revolutionary threat.

I agree with a statement by Chief Justice Vinson in a 1951 Supreme Court ruling. Justice Vinson wrote:

"Obviously, the words cannot mean that before the Government may act, it must wait until the putsch is about to be executed, the plans have been laid and the signal is awaited."

In intelligence work you must be anticipatory in your judgment. The FBI simply cannot wait until the terrorist or the extremist - the individual whose allegiance is to violence - strikes before we act. Counterintelligence means staying abreast of these hostile groups which want to destroy our free institutions.

This means that the FBI must, if it is to fulfill its responsibilities, be cognizant of critical areas where violence and lawlessness may occur.

The terrorist should never be given a sanctuary from which to attack society. He must never feel that he

is immune from detection and apprehension.' He must never be allowed to believe that there are laws in this country which govern our citizens, but that he is above, beyond and not subject to these laws.

Some of these revolutionaries attempt to justify their actions by claiming they are acting on a "higher law" - which, when translated, really means they desire a license to do what they want and that society, in turn, has no right to protect itself.

Such a revolutionary philosophy can only mean a disintegration of our freedoms.

Individual freedom does not mean the freedom to plot and carry out crime or overthrow our government by force and violence.

I feel strongly that the FBI's "cointelpro" or counterintelligence program contributed substantially to neutralizing these extremist elements in this period of revolutionary strain and tension in the 1960's and early 1970's.

Today, civil disorder has greatly subsided. As we all know, the fancy on campuses today is streaking...not burning buildings. We no longer have riots which burn up large areas of our cities. Major civil disturbances have not recently occurred.

The threat which was viewed with such alarm at the time does not now exist.

However, we would be foolish to state that terrorism and extremism have evaporated and that society has wiped out this malignant cancer. This is simply not true.

The urban guerrilla is today part of modern-day society, including our own. "Guerrilla war is becoming the phenomenon of our time," says an author. "The battlefield is everywhere and anywhere."

These guerrilla-type groups have openly declared war on our society. They have shown a willingness to use the most vicious and insidious means to achieve their goals.

These groups vary in size, the quality of leadership, modes of operation - but they all have the common objective of terror and violence.

Their tactics include political-type kidnaping, such as the unfortunate kidnaping in San Francisco, hijackings, murders, the planting of bombs, letter bombs, armed robberies. There have been "expropriations," that is, crimes specifically carried out by terrorists for the specific aim of securing money to finance revolutionary activity.

The police officer - who mans our first lines of defense - is a primary guerrilla target. Police stations have been bombed. Police cruisers have been the objects of violence. Policemen have found themselves under sniper fire and attacks from ambush. "We have to try something new, like armed revolutionary violence," says one terrorist group.

Last year 131 local, state and municipal law enforcement officers were killed by criminal action. Of this number, 13, or ten percent were slain through probable guerrilla activity. This shows the magnitude of the problem.

The FBI is today counterattacking these guerrilla-style groups under existing laws. Cointelpro was discontinued in 1971. It has not been reinstituted. I do not intend to reinstitute it..

The FBI treasures the posture of a legally conformist law enforcement agency. The FBI is acting within the law...and it will continue to act within the law. We stand on our tradition of protecting the rights and liberties of the individual.

We are abiding by existing legal constraints. We today have laws on our statute books and they are being

enforced. The FBI does not condone illegal or unethical tactics in the handling of investigations. Our responsibilities must be met in a constitutional manner. This is the very essence of democratic law enforcement.

You - and other Americans - can rest assured that the FBI will be alert to the need for any further legislation to meet our obligations. If the situation develops where we feel additional legal steps are needed to meet an emergency or crisis, we will promptly bring this matter to the attention of the Attorney General, the President and the Congress.

We will not stand idly by. We will not put our face in our hands and say, "It's too bad, but there's nothing that we can do." This would be a betrayal of our sacred trust.

I have frequently expressed my belief in what can be called a delicate balance in American life - that is, a balance between safeguarding the rights and security of society as a whole; yet, at the same time, meticulously protecting the rights of every single individual.

To my mind, there is no alternative. We must strive, the best we humanly can, to achieve this balance.

Just where is this balance?

The answer: it is difficult to determine. This is the genius of our American system that we can protect both our internal security and our common welfare, yet at the same time allow freedom for the private citizen, in whatever field he chooses, to develop his own unique personality as a child of God.

Today we find conflicting voices. Some people think primarily in terms of protecting society...and say that individual rights must be chipped, cut back, reduced. Others say there is too much emphasis on protecting community rights to the detriment of individual liberties.

Each of these arguments, in my opinion, possesses merit...yet neither contains the full and final truth.

Somewhere in the middle - in the happy medium - there must be a blending of the two viewpoints.

The whole history of America ever since the days of the Constitutional Convention of 1787 has been this give-and-take, this dialogue between these two essential viewpoints.

Can we ever arrive at a final, permanent position... where we can say, "here we are, this much protection for our society, this much protection for the individual?"

I think not. Times change. The needs of today may be different from the needs of tomorrow.

As I pursue my stewardship of the FBI, I intend to keep one thought paramount that whatever is good for the Nation is good for the FBI. Never should we for one moment construe the needs of the FBI as paramount.

We must listen and thereby learn. We must view the world of today as a prologue of our activities in tomorrow's investigatory field. We must not become piqued about the possible loss of some investigative techniques, but view them in the light of the rights of many, including the underprivileged, the downtrodden, and the minorities.

We must never carelessly cast aside the considerations voiced by a few solely because they are a few. Progress in society often comes from long and deliberate thinking, not as a sudden avalanche. Sometimes, however, when an avalanche comes, though we cannot always stem the full force, we can at least detect faults and perhaps weaken any destructive impact.

Often law enforcement is considered as isolated, antiquated, and not possessing an insight into cultural, philosophical, or political influences. In this regard, we have established within the FBI task forces for the purpose

of creating a better understanding, and through this understanding, a more facile and adaptive policy decision mechanism.

We want our efforts in law enforcement construed neither as obstructing progress nor as abrasive in the area of the recognition of individual rights.

Frankly, some of the changes in society have had a traumatic effect on our field. Our receptiveness to change, however, has not been diminished, nor our intention to meet the challenges arising from these changes.

The "cointel" program, as I have said, was terminated in 1971. I do not intend to authorize its revival. I will seek instead legislation which may possibly meet such difficulties if they are encountered again. Admittedly, such legislation will be difficult and possibly even too difficult to enact into viable laws.

If this be so, we will continue to operate within the framework of the law. I consider this matter of achieving a proper balance as the single most important matter which we face in the FBI today. What has gone on before is past. What goes on in the future, I am confident, will not arise from a defensive posture - supporting measures already proved inadequate, but will be a constant probing of the ways we can best promote the good of the Nation.

Although difficult, I feel our endeavor is not impossible. My belief is fortified by an assessment of our superb personnel. They are anxious to do the job the way it should be done. With receptive and inquisitive minds, we will not sequester ourselves in the sanctuary of seclusion, but constantly view each problem as important and solvable within the framework of the spirit of Constitutional guarantees. I make these statements with confidence because I know the FBI and its devotion to supporting our liberties.

I, therefore, ask for your support. I ask that you have confidence in the capabilities of this splendid group of men and women - people who are neither mossbacks nor wild liberals. They are people as desirous as you and I of welding ourselves into a great Nation, powerful as a result of our unification but at the same time happy in the recognition of our individual courtesies and rights.

Our hope is that we fulfill the pledge of one Nation under God and help make this a Nation responsive to the Divine will.

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ANNOUNCER: Clarence M. Kelley, successor to the legendary J. Edgar Hoover as Director of the FBI. Tonight on "Washington Straight Talk," Clarence M. Kelley, charged with reviving a demoralized post-Watergate FBI and now confronting, besides the traditional brands of domestic criminality, a possible new era of political terrorism.

FBI Director Clarence Kelley answers questions from NPACT correspondent Jim Lehrer.

JIM LEHRER: Mr. Kelley, since the Patty Hearst case, we've had a rash of kidnappings in this country. And the obvious question is, when and how does it all stop?

FBI DIRECTOR CLARENCE M. KELLEY: Of course, when you speak of the Hearst kidnapping case, you must keep in your comparisons the fact that this is a so-called political type of kidnapping. And the others which have followed are more of the traditional type of kidnapping. Whether you go that way or go the way of just a plain kidnapping, of course it's a very ominous thing that we're experiencing.

We do, however, have a good record insofar as solutions. And we feel that this will be somewhat of a deterrent. Easy money, of course, attracts many people. And we may have a continuation of them. But I have said many times that I think that this is not a real wave of kidnappings that we're going to have, just a ripple, so to speak, in comparison with some of those that we've experienced in the past.

I'm optimistic about this not being a real problem.

LEHRER: But you will concede, will you not, sir, that there has been more than usual? Do you think...

KELLEY: Yes.

LEHRER: ...they've all grown out of the Hearst case? I mean the Murphy case in Atlanta, another case in Atlanta over the weekend, the case of the boy in New York, one in Akron -- a threat of one in Akron, Ohio. I mean these have grown out of the Hearst case, do you not agree...?

and, particularly ominous, revolutionary and violent in their actions. The administration of the Bureau at that time looked upon this with great fear as to what would happen if they were to continue. And it appears that without proper legislation, without proper guards from a continuation, that it would.

So these efforts were instituted. They were, I think, to some degree, at least, successful. At any rate, they were terminated in 1971, and they have not been re-instituted, and I have no plans, no no intention to re-institute them now.

LEHRER: Well above and beyond the particular groups that may be involved, whether it's the New Left or the Old Right, or whatever politically, do you feel that this is a basic technique, that that is a legitimate technique to be employed by the FBI?

KELLEY: Well, of course, you posed a question which has a lot of ramifications. No, I don't think it is a basic technique which needs to be employed. I think that you should have legislation which enables you to properly control. With such legislation, you don't have to go into this type of thing.

The field of law enforcement is growing insofar as its capability. Where in years gone by about all you did in most cases was to interview and try to get a statement, now you do a great deal more. And with the complexity of the society today, there's a need for additional legislation. I'm asked on occasion, what kind of legislation would you need in order to do this type of thing? I don't know that we would ever need legislation to do this type of thing. We need legislation that'll enable us to do less and still accomplish the job.

We don't want to go into this type of thing. In that era when there was so much alarm, it was felt something had to be done. All right, it was done. And I don't think that there was any great harm wrought as a result of it. But the thing about it is they didn't stand by. And one of the greater faults would be inactivity, not doing something about it. They did do something about it. And certainly I am not myself saying that I would do the same thing. But I'll tell you that when you feel, such as the threat was, that the nation was being brought to its knees, you'd better be doing something about it or you're going to be on your knees. And that's not a posture that any American wants to assume.

LEHRER: What about the general question that this raises and also Watergate raises to a certain degree? Let me just ask you the question. Do you feel that FBI agents should be permitted to commit illegal acts, such as burglary, illegal wiretaps, if it is in the interest of national security, or if it is in the interest of the kind of thing you're talking about, on somebody's opinion we're on the verge of revolution, or something like that? I know it's a fine line. I know it's a tough question. But where do you see your parameters? Where would you draw the parameters?

KELLEY: I do not feel that they should be permitted engage in illegal activities. There probably, in the years gone by throughout law enforcement, were, for example, some illegal wiretap and that illegality gave rise to some criticism of the legal wiretaps of today.

No, I do not feel that we should be engaged at any time in any illegal activity.

LEHRER: All right, sir, moving on to this area of crime information, crime data, you and some members of Congress and others seem to be at odds over this on this national crime information computer system. The key to the controversy, it seems to me, hinges on access and accuracy. I'll ask you, first of all, is that correct? But the business of a person's past criminal record, who should be able to see it, whether the record should be kept updated, et cetera. What, first of all, is your position on this, basically?

KELLEY: Well, in the first place, there are certain things that you have to establish in a system such as this. It is a computer system. You have to establish security. There can't be any possibility that some outside organization or some outside facility can get in on it without difficulty. And I say "without difficulty": I don't actually think you can get in on it..

LEHRER: "Outside" meaning outside law enforcement?

KELLEY: No, not outside law enforcement. Some concern which might be trying to get criminal records in order to sell them, or something of that type.

Then you have to have reliability, an organization which gives good information for storage in the data bank. Then you have to have accountability so that there can be an assurance given that all along the trail of information in, information out, there has to be an inspection system, something to assure accountability.

So I feel that those things must be established. And the FBI, in my estimation, has proved itself as a proper, so-called chaperone of the system. We're not the leader of it. We're merely the one who is held for the accountability, for example. And this seems to be one of the major problems.

Another problem is the matter of sealing records, which is within this law. We do not feel that the sealing should apply to law enforcement.

LEHRER: You're talking about sealing past criminal records, right?

KELLEY: Seven years, or five years, whatever the law might provide for. We feel that there should be no sealing off

st criminal information, which could well supply us with some
or some capabilities toward solving a very bad crime.

LEHRER: Where do you personally draw the line between --
in this particular case, between the needs of law enforcement versus
the possible infringement of privacy on the individual, on the other
and? There are chances for abuses here; there are legitimate needs,
as you say, over here. Where do you draw the line?

KELLEY: Well, of course, I spoke not long ago in this
composition about the balance. And there has to be a balance so
that you recognize the individual rights and needs and the rights
of the very large group, the victim and the people of the nation
who may possibly become victims. And I think there can be a balance
achieved.

Most of the problems which occur in this area is the
possibility that a past record adversely would affect a person applying
for a job. And I do feel that this should be protected in the sense
that only convictions should be released regarding him. There is
a feeling on the part of some that you take this out of the data
bank and not make it available. Well, it's available in other manners.
For example, you get it from the court, or there are a lot of organiza-
tions which maintain such information. And were we to not make this available
that type of business would probably proliferate, and you'd have
quite a number of them who would be compiling the information.

LEHRER: Mr. Kelley, we have just a couple of minutes
left. Let me ask you some general questions here. When you first
took over as head of the FBI and after you'd been there a while,
what emerged in your opinion as the number one problem that you
had to face internally, within the FBI, and the number one thing
that you wanted to accomplish?

KELLEY: To try to get the FBI personnel receptive to
the idea of change. We are in a different era. We've lost a
man who, for almost half a century, stood head and shoulders above
everyone in the field, a man who could just by saying yes or no
change the whole structure. And we now have accountability that
we never had before. We're going to have, therefore, in order to
have that accountability, in order to revise, do some changing.
It was my feeling that this was one of the greater needs, and this
is what I've dedicated a great deal of time to.

Another is to publicize the FBI and make a more open
stance a reality rather than just an idea. And right here today,
we're engaging in one of my efforts to do that. I think we can
be better publicized; I think we can be better explained. I think
that the people want to know how we do our work, want an explanation
of why we're doing it this way. They're entitled to it; we're going
to give it to them.

And in these, why, there are some problems, but I think
that we're meeting them.

LEHRER: You say you wanted the Bureau to understand that there had to be changes. What kind of changes, like other than, say, public openness? Internally, what kind of changes...?

KELLEY: One of them is a more participatory type of a management whereby there's an exchange between the members of the staff there at Washington, for example, and me; there's more input from them to me; that there is, generally, a feeling that this is an organization where we're powerful, we have splendid personnel and all of them can contribute to the continuation of the progress of the organization. Generally speaking, it's known as participatory management. And that's one of the things that I want to engender in them as a good, viable system.

LEHRER: Mr. Kelley, you mentioned J. Edgar Hoover. He was, as you say, an institution, you know, a national symbol to many Americans, particularly young people, for generations now, at least forty years. How would you like for the young people of today and tomorrow to think of Clarence Kelley when everything -- when all is said and done?

KELLEY: I really haven't given this any thought. I enter the job of Director much later in life. And therefore since I must leave at seventy, I would hardly be able to build much of a record in that time. All I would like to leave is the legacy that this is an organization where you can call upon the vast well of ideas and help from the personnel, that I played it the way it should be played. And that I will do, indeed, if I possibly can.

LEHRER: Mr. Kelley, thank you very much.

ANNOUNCER: "Washington Straight Talk." From Washington, NPACT has brought you Director of the FBI, Clarence M. Kelley, with NPACT correspondent Jim Lehrer.

Next week on "Washington Straight Talk," special consultant to the President Patrick Buchanan with Bill Moyers, former press secretary to President Johnson and host of the PBS program "Bill Moyers' Journal."

Boston Symposium
11/9/23

MR. KELLEY: Thank you very much. I want to first welcome all of you. and particularly welcome a group that is rather new to the FBI as an organization and that is the wives who have for many years been so very supportive to all of us. And ladies, I want to assure you that if you want to ask any questions of me, don't hesitate just because we have an array of news media people here, I'm sure that they would appreciate any question that you also may have. I don't have any long introductory statement, only want to say that I feel it is most advisable to, from time to time, through you, the members of the media, to speak to the citizens of the United States -- tell what we're doing, how we're doing it, and if there are plans that might be of interest that we tell you about them. Insofar as the procedure that we're going to have following, I have no bars about getting questions. Of course, the obvious barriers come up that if it be a pending investigation, I can't respond to it. I'm going to try and avoid a terse "No comment" because I know how very objectionable this is, but you might well say, "Well will you say it in different language?" All right, but I'm going to try and be as open as I can, an openness which, I hope, pervades the Bureau, and will be our

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hallmark in the future, rather than the accusation of the past that were very restrictive. On occasion, I may feel that a question could better be computed by someone else. And I may refer one to Mr. Murphy, Mr. Newpher, and we have with us today also the Assistant Director of our Computer operation, Mr. Campbell. We have a representative of our External Affairs, which used to be under another name in the Bureau, Mr. Quinn. And to them I may refer one such question. So without further adieu, I'm going to start the questioning, and I'm going to ask that Mr. Hoover handle the matter of designating what person is to be pointed out for the giving of a question.

X QUESTION: Director Kelley, has the FBI morale recovered from Watergate?

MR. KELLEY: I'm asked this question frequently, and I'm always told before I got there, there was really no problem insofar as the morale of the Bureau. Since arriving, I have, on many occasions, inquired about this and am without exception informed that morale is at its highest level for quite some time. I do not take this as something that has been brought about due to my attributes. I just think that possibly by virtue of the establishment of a permanent Director, it has had a stabilizing effect. I do feel that though in the minds possibly of some citizens there has been a tarnishment. It really

hasn't affected the personnel of the Bureau themselves so I don't think it is a problem.

X QUESTION:

(Nearly inaudible, but to the effect, were there any bounds around specific areas that might or might not be investigated by the FBI?)

MR. KELLEY: There were no boundaries placed by Mr. Nixon. There was only the general statement that he wanted the laws of the land under which the Bureau operates be enforced. He wanted to assure me that I would be supported by him in this and that there would be no political pressure nor should I bend to any. He indicated that he had a high regard for Mr. Hoover, and always felt that he had done a good job. This was the gist of his remarks then, and I have no information or any interviews with him subsequently which change that one bit.

X QUESTION:

Inaudible

MR. KELLEY: Yes, I think that right here we have typical one of the issues possibly enabling us to restore the full regard that we held before. We have a Gallup Poll indicating that 55 or so per cent of the people held us in very high regard and an additional about 30 per cent who held us in so-called generally regard. We feel that in times past we probably could have gone 85 to 90 per cent of the people who said high regard. I'm in this

FBI Image

type of an atmosphere trying to restore the faith of the public. I'm making a number of speeches. Our people throughout the country are making more speeches. I'm trying to get them to open up more and it could to some extent be described as a public relations drive in order to bring us back to this very desirable situation of high regard. This we need because this matter of enforcement is not a unilateral type of situation. It must be joined by everyone and we're not just trying to be the darlings of the public, but we're trying to establish a situation where we do get the help we so desperately need. I plan to make speeches in the future which are directed toward particular problems, and greater explanations given about those problems. I'm going to make one tomorrow night to go into the matter of some of the security investigations. I plan in the future to go into the matter of civil rights, and in a series try to go out and expose for public consumption those matters about which there might be some apprehension. It has been said about me that I must be trying to sell the FBI. There's no question about that. I am trying to sell the FBI, but I do so because again of that need of complete

support if we're going to do our job properly, and also because I have an extremely high regard for the people of the FBI and their capabilities. I'm proud of those associations, I'm proud of those capabilities. I think that the Nation should know about that. Therefore, if I'm construed as a salesman, a salesman of good will in this case, I will persist in doing this.

X QUESTION:

Mr. Kelley, Governor Sargeant of Massachusetts has been quite critical of the integrity of the National Criminal Data Bank so much so that he doesn't allow Massachusetts to take part in that contributive ... (Inaudible). Is he justified in that criticism, and what steps has he taken to...so that he will feel free to contribute to it?

MR. KELLEY:

I, as I've said, have an associate here who is capable and moreso than I to answer a question such as this. First I'll give you my answer to that, and ask that he elaborate on it. I think that we do have a fine system of control but Wason would you come forward and give us your evaluation of this? This is Wason Campbell, Assistant Director in charge of our Computer operations.

MR. CAMP-

BELL

The National Crime Information Center, commonly referred to as NCIC, does operate under safeguards that are provided

by the NCIC Advisory Policy Board. Those safeguards are quite restrictive. For example, they provide that no inquiries can be made into the Data Bank except by criminal justice agencies. They provide that the information disseminated can be made only to criminal justice agencies for criminal justice purposes unless a Federal or state law provides for further use such as in employment checks. I am pleased to tell you that the NCIC is serving all 50 states, including Computerized History Activities. For example the Massachusetts State Police traffic in October was more than 2,000 messages per day. The Boston Police Department traffic in October was almost 300 messages per day and we're pleased to render this service to the State of Massachusetts.

QUESTION: But still Governor Sargeant is highly critical of it. Are you aware of his criticism? Could it become nationwide?

MR. CAMP- Yes, we're very much aware of it, sir.

BELL

QUESTION: Has he joined up yet then?

MR. CAMP- He has joined in participating...well, his organizations, the Massachusetts State Police and other agencies in Massachusetts are participating in that they're using records that are in there as I indicated.

QUESTION: What about contributing Massachusetts organizations?

MR. CAMP- Massachusetts has not put in yet its criminal history
BELL: records.

QUESTION: Do you see the likelihood that they will or any reason
why they won't?

MR. CAMP- We hope they will. We would like to see full participation
BELL: on the part of all states.

X QUESTION: Mr. Kelley, you're in the Bureau. What do you consider the
biggest danger there is?

MR. KELLEY: I would have difficulty answering that. I think one of
the dangers is the spread of some disenchantment with
government, and I'm not going to elaborate on that
because we all know some of the things that have come
up. I think that there might be some spill-over of
this into the field of law enforcement inasmuch as
we're put into the general category of a governmental
organization. I haven't asked from time to time do you
see any inroads into our security by virtue of the
activities of certain groups. I do see we are on this
trend, the seemingly proliferation of terrorist groups...
groups who on occasion attack and kill officers. This
is an alarming thing inasmuch as it affects the lives
of officers, not only those who lose their lives, but

those who are subsequently looking over their shoulder fearful that they will have an attack. Fear also goes into the families and apprehensive as you wives and children and other loved ones are, they want to speak of this from time to time and it might well be that we will lose our people because of this and we have a reluctance on the part of young people to come into the field of law enforcement. We do so desperately need dedicated, fine young people to come into the ranks of law enforcement with the enthusiasm and dedication that makes law enforcement so meaningful. We've come a long, long way insofar as developing a good spirit in law enforcement. A spirit which has brought about a complete recognition of the rights of people. I don't say with complete compliance with those needs because on occasion we all have a fault in the observance of these by some officers, but we have come a long way. In fact, we've come a long way in educational level; we've come a long way insofar as developing new expertise pathologies, we've done very well but we stand in a position of decision now where that is endangered to some extent. That is generally on the matters which just off the top of my head I construe

as some of the things of which we should be wary.

X QUESTION:

Mr. Kelley, can you give us an approximate number of wiretaps that exist in the United States and what is their use in national security?

MR. KELLEY:

There are relegations made in the report of the FBI about the total, and I do not respond to such a thing for at this time frankly because I don't know what the total is and would be reluctant until the final tally is made to give reports. Now insofar as categories, we have two categories, one of which is the so-called "criminal installations." That is one placed as the result of the provisions of Title 3 of the Omnibus Crime Bill, and the second that is concerned with foreign intelligence.

X QUESTION:

Mr. Kelley, when you arrived at the FBI, did you find the Agency involved in any areas that you were concerned about that perhaps the Agency should not have been involved in before? Have you finally phased out these operations?

MR. KELLEY:

One that has been publicized widely was an enemy list. There may have been some people we thought that we'd best not contact because they have already declared themselves as not wanting to talk with any of our people. We have some who have been openly extremely critical and

apparently without basis and [apparently ones with obtained lists of people retaining them.] I know it was advisable that the Agent know about them in order that he might be careful. Reportedly there was another list of just people disliked. There is no such list now. There was an allegation about a list of so-called dossiers of members of Congress and the Senate. None equally exist. I was informed that none existed when I came, and I assure you that I will not permit such a listing to be divulged. I understand that there were allegations of some promiscuous placing of some installations. I assure you that there will be none of that. I have no substantiation for this but I say a blanket statement all installations will be done within the framework of regular procedures and will be placed into effect only if there is good and substantial cause. In the case of the Title 3 by virtue of an affidavit properly secured and placed before the court. In the case of foreign intelligence that it be a substantial reason for doing it. And in all cases, both going through the Attorney General.

QUESTION:

Can you tell me, what changes have you made in the FBI and (inaudible).

MR. KELLEY:

One of the first things that I did was to restore the External Affairs Division, which was formerly known as the Crime Records Division. I spoke briefly about that in saying that Mr. Quinn was here. I, through Headquarters at Washington, D. C., developed a rapport to explain my general philosophy of law enforcement. You know, I succeeded Mr. Hoover, I don't say by any means that I replaced him. I have some different things in my background. I have had some experiences, particularly in twelve years of local law enforcement, which has given me a different insight than perhaps has had before. I'm a man who I suppose has some definite ideas about enforcement. I've had quite a history of investigation and I plan to through that type of philosophy let it be known through the country just who and what is this new Director. I have already instituted a review of some operations of our New York Office, the largest office throughout the land. Through this review, using a task force of working Agents we're going into some of the operations. We're later going to go into these problems in other areas and probably we'll address ourselves to the whole, big operation from the Chief Clerk's office which is the top of our Records Section locally through to the assignment of automobiles. We're

going to go into the location of our offices. We're going to look over the whole thing in other words. I'm also of the opinion that our so-called managers (they being the Agents in charge, the assistant Agents in charge, and the officials at the seat of Government) should be given the ideas that have been indulged in Management, as related to industry, the professions, and business; and for that reason set up the symposiums, one which is being held here during this week. These things I have done, I have plans of others which are not as yet completely formulated but I assure you that are being stirred around and that between speeches, conferences, and press conferences, am hopeful that we can get it on the road to do these things only after due consideration, but that we do them.

X QUESTION:

Mr. Kelley, with gas rationing a possibility, the Mafia here in New York has already reported to have its own pump site. Would you care to comment on that?

MR. KELLEY:

I, frankly, do not know what will be the framework of enforcement. I have not heard, as yet, that it will be the FBI. If we get information of such fraudulent activities, if we do not handle them, but get the information, I assure you that that information will be disseminated to the proper Agency. If we handle them, if we are the Agency designated, we will certainly proceed with the investigation leading hopefully to

prosecution.

X QUESTION:

Mr. Kelley, at any during the Watergate affair, do you feel the Administration used the FBI improperly?

MR. KELLEY: I would say that this would be improper for me to at this point to comment about. Yes, there have been many allegations about this--none of which has been brought (inaudible) and absolutely that is given whole revelation to me. This will in all probability be brought out as the further developments of the Watergate hearings progress. But I frankly at this point, although I have heard some things, just cannot give you a substantial and accurate response as to that.

X QUESTION:

Mr. Kelley, do you have any Blacks or other minorities on your staff at the FBI right now? (Inaudible)

MR. KELLEY: We have approximately 8,500 Agents, 12,000 clerical personnel, 88 Black Agents, 1,700 and I believe 87 Black clerical employees. You asked, a question which of course is asked police departments and other agencies and is rightfully asked. There should be more and there are efforts made to have more now. I cannot explain why it was not done before. I do agree that we should have more. I cannot set any particular percentage because I'd say that I consider the members of the Black community of substantial value, of equal capability,

and I don't care how many Black employees come into the FBI. I do want to maintain the standards of the FBI, and if a white man doesn't meet this standard, he will not get on. And there will be that type of an application throughout, no matter what the government.

X QUESTION: (Inaudible)

MR. KELLEY: Oh, indeed. There are many efforts made and we have had a substantial increase over the past few years.

X QUESTION: Mr. Kelley, there's been a sensational communique in this area in which a white woman was put to death by torch by black youths. The FBI most enrapidly saying that a Federal law has been violated. There were several other instances in housing projects in which blacks were armed have been criticized...the Bureau has been criticized for not acting in those cases. Would you comment?

MR. KELLEY: I, frankly, know only a little about this although I could perhaps answer, but I'd rather have Mr. Newpher, the Agent in Charge of the Boston Office to respond to that.

MR. NEWPHER: You were referring to the Miss Wagner case, the one instance in which we were instructed to get into that, by the Department of Justice and we went into it legally. Due to the supposed statement that was made to her the night before she had been torched to the effect that she should get out of that neighborhood.

This was a basis for discrimination in housing. In that particular case we conducted an extensive investigation and I want to say we worked very closely the Boston Police Department. We worked hand in hand throughout that investigation. I can't say any more about that particular case at this time because it is still pending. I wouldn't want to go into any of the details of course.

X QUESTION:

Mr. Kelley, Vice President Agnew resigned his office because of things that came to light about his career when he was Governor. Should not the FBI have started those things in screening him for the post in the first place, or did they and nothing came of it?

MR. KELLEY: Elected officials are not investigated by the FBI.

Mr. Ford is an appointed Vice President and that's the reason why he was investigated. But Mr. Agnew was not investigated prior to the time that he was nominated and elected.

X QUESTION:

But at that time was he not screened or whatever one does as a candidate?

MR. KELLEY: No screenings that I know of, No.

X QUESTION:

Mr. Kelley, is organized crime any more or less of a problem that it was five years ago?

MR. KELLEY: Organized crime is still a problem. As to whether or not we made sufficient head roads into the ranks to

make it less of a problem, I would find it difficult to answer. I think that certainly by virtue of our prosecutions and the sentencing of some of the leaders and some of the lower echelon, we surely must have made them more apprehensive, so I'm inclined to believe that it is less of a problem now than five years ago. This, however, does not mean that we are going to relax, but on the other hand, I would say as more time becomes available for us to throw additional personnel into this field, we will do so because there is an extremely important need.

QUESTION: Mr. Kelley, do you have any specific recommendations as far as gun control.

MR. KELLEY: I will answer that. However, I would also like to have some comments from Mr. Murphy who has a very definite policy regarding that and I think the both of us can comment on that. Mr. Murphy.

MR. MURPHY: Thank you, Mr. Director; it is my strong feeling that we should have Federal control of handguns especially, and of course there are some Federal controls of other weapons. Handguns are responsible for a great deal of the crime in the country today including the killing of police officers, not only assassination-type cases, but the ordinary robbery and day-to-day crime. Also the increasing incidents of homicide

in the country at a time when we see other crime statistics leveling off. And I believe it can be attributed to the ready availability of handguns, and I do not believe that the solution to the gun problem is to be found in different laws in each of the 50 states. I strongly believe that we need Federal gun enforcement because it's next to impossible to have effective enforcement with different laws applying in different states. So my view and I think and I hope increasingly the view of people of state and local law enforcement is that the safety of police officers as well as the safety of our citizens dictates that we do what every other developed country of the world has done, and that is to impose reasonably strict controls on handguns.

MR. KELLEY: I subscribe to gun control and have repeatedly felt that our most pressing problem today is to get rid of the Saturday Night Special so-called because it is a throw-away gun which is many times thrown away after the commission of a crime, costs from \$5 to \$15, is not the type of weapon which the holder feels he should retain, and it has brought about a substantial number of killings of our officers. And my feeling is let's first attack this due to the opposition of handguns by many, but the great, great lobby of some

of the others who oppose any restriction. And I don't think that they can maintain this position if it applies to the Saturday Night Special. I want to do it by degrees and want to, in other words, attack the greatest danger right now. It might be that we go into other fields thereafter, but let's get the Saturday Night Special first.

X QUESTION: Do you have any idea of how this problem can be attacked?

MR. KELLEY: Yes, it can be attacked by proper Federal legislation which makes it illegal to sell or distribute these weapons throughout the United States. There can be also some legislation regarding the holding of a gun. Yes, restrictive legislation can be a way to handle it.

X QUESTION: Will the FBI back such legislation?

MR. KELLEY: They will.

X QUESTION: Mr. Kelley, is this public relations drive really imply that you're having recruitment problems getting new Agents?

MR. KELLEY: No, sir, we are now at the point where budgetary limitations will not permit us to hire any more Agents until next Spring. We have a group of people who have applied in the past few years, and been generally described as "good material" totalling about 3,000. No, there has been no diminishing of the applications for the position

of Agent.

X QUESTION: How can the public be assured that in the future the FBI will be fully insulated during any kind of improper political approaches or influence?

MR. KELLEY: I was asked that question yesterday when I talked with the editorial staff of one of our newspapers. I think that the best way is for the Senate Judiciary Committee in reviewing candidates for confirmation to make sure that they have chosen the proper person. And one of the main faults of any organization is the man on top. And I think that they should be extremely careful to make sure that he does not bow to political pressures; that he does not do things which would tend to diminish the effectiveness of the organization. You can set up rules, regulations; you can pass laws, but basically, it rests on the character of the man who was chosen to head it, particularly does that apply to the FBI where perhaps such an authoritarian figure for so many years, and it is such a well-disciplined organization, and although the Agent personnel would not just blindly follow, there is a general tendency to at least go along. Therefore, the post of Director must be one which is carefully chosen, insofar as the man himself.

X QUESTION: Mr. Kelley, I'd like to go back to NCIC for a second.

(Inaudible)

MR. KELLEY: Mr. Campbell, again.

MR. CAMPBELL: I think I caught most of that question. The FBI endorses formalizing the safeguards that now exist through the passage of Federal legislation. Such legislation is presently being drafted by the U. S. Department of Justice. Does that answer your question?

QUESTION: (Inaudible)

MR. CAMPBELL: Well, I'm not at liberty to detail the legislation at this point. I believe one of the facets of your question involved dispositions of arrests? Yes, I can say that it's very possible, though the legislation is still in draft stage, that it may contain provisions that perhaps along that line. I have requested an appointment with Governor Sargeant to discuss NCIC, hopefully to remove some of the misunderstandings that apparently exist, some of which are based on misinformation.

X QUESTION: Mr. Kelley, is the FBI still involved in the Watergate investigation?

MR. KELLEY: Yes, sir, we are receiving requests from the Committee. I can't tell you how many because I don't know. I would guess that I will get, and they all come to me, I would guess that I'll get two or three communications

a week requesting certain investigations, and tagged at the end is the statement that if any other leads are developed you should feel free to go ahead. We are not conducting investigations independently. If, on occasion, we have something reported to us regarding this investigation, we do immediately flip over to the Committee for two reasons. One being that they themselves conduct some investigation independently on occasion, very little, but they do, and it might be duplicative. Secondly, we have reached an agreement with them that we will do this in order that they might govern the scope of the investigation. Over, much over half of the investigation they conducted in this area are conducted by the FBI.

QUESTION:

Mr. Kelley, the White House established what we've come to know as the Plumbers' Organization. Would you, as the Director of the FBI, permit the FBI to do that type of thing if asked to do so, and secondly, do you favor that type of an operation as the Plumbers' Organization has been identified as?

MR. KELLEY:

I do not favor an organization such as that, and I would not permit our people to engage in a similar operation.

Interview With Director Kelley

DATE 3-16-82

BY SP4 JRM/cal

FBI in '54

A: The big advantage of this is that you can do a lot of connect work under the same conditions. You can do a small number of tests, and you can do a lot of connect work without too much time.

There is a considerable body of research on the effects of

KEY POINTS MADE BY MR. KELLEY

Public confidence in FBI: "It's been seriously assailed, and it's very necessary that we so conduct ourselves and develop programs to bring about greater credibility."

FBI corruption: "It has never been a problem. I don't anticipate that it ever will be."

Foreign spies: "We're getting an increasing number of complaints" from members of Congress about spy activity on Capitol Hill.

Fighting terrorists: "I can't say that we have been eminently successful, because we haven't."

"Plants" within the Bureau: "Exhaustive investigation has never revealed that a hostile foreign intelligence service has ever successfully recruited or operated an employee of the FBI."

Organizational rings: "We've infiltrated them and frightened them to the point where they're much less trusting of their fellow members."

Limit on power: "There are no areas where we just have some broad mandate to go out and violate the law."

CLEANING UP THE FBI

(Interview continued from preceding page)

one criticism: that we choose people who are, to a considerable extent, like us. Our agents in charge, for example, approve the candidates who are coming into the FBI. They are what's required, and they look for that in the man or woman whom they interview. So it's a sort of self-perpetuating thing, and I don't know of any loss of this standard and this mode of behavior whatsoever.

Q Last July you disclosed that the FBI had carried out hundreds of "black bag" jobs—in effect, burglaries. Do you expect any former or present officials or agents of the bureau to be prosecuted for their part in such burglaries?

A That's still under review by the [Justice] Department for as any possibly criminal action is concerned. I think it's safe to say that, from our review of it thus far, we have not seen where any FBI employee acted in other than a good faith belief that the actions he took were properly authorized by the Bureau.

Q But prosecution hasn't been ruled out—

A Prosecution has not been ruled out.

Q Are there things that an FBI agent should be allowed to do that would be illegal if they were done by an ordinary citizen, or even a member of a local police force?

A There are no areas where we just have some broad mandate to go out and violate the law. Anything we do is in conformity with the law. Our authority to carry a gun is statutory. We get a court-approved warrant in the criminal

cases, and that ^{with} it the authority to install a microphone.

Q Would you view it as a useful tool to have the legal authority to commit what would otherwise be a burglary in the course of your law-enforcement activities?

A In the first place, if we're granted permission from the Attorney General or the President, we would not term it a burglary. It would be a "surreptitious entry conducted under lawful authority," which is not a violation. If there should be a great need, I'm sure this would be considered. But we have not done any such thing since 1968 in the domestic-security field, and we do not presently contemplate doing it.

Q Do you personally think it would be a good idea? Would you like to have that power?

A Not in the domestic field. We would never ask for that power or consider it.

Q What changes in the day-to-day operations of the Bureau will have to be made to conform with the guidelines which have just been laid down by the Attorney General?

A In the first place, these guidelines refer, to the greatest extent, to domestic intelligence, which comprises from 10 to 12 per cent of our work. Others will be concerned with foreign intelligence—8 to 10 per cent of our work—and a wide range of matters relating to the investigative responsibilities of the FBI. They will delineate pretty carefully how we go about our duties in these areas—how far we go.

For example, in the present situation we're pretty well free to determine where we go in these domestic-intelligence and security cases and when we stop. Now there will be three categories: the preliminary, the limited and the full investigation. That will cause some new structuring and some new procedures.

There will be some revisions, but I don't think they will be crippling, by any means. At least it gives us some well-defined guidelines, and we'll be able to work under them.

Q What sort of domestic organizations will still be subject to FBI investigation under these guidelines?

A Those which advocate the overthrow of the Government by force and violence. That's one of the categories by which we judge whether an organization will be investigated.

Q Have we got any like that today?

A Most of them are the terrorist groups—for example, the Weather Underground and the various "liberation army" groups and the Puerto Rican nationalist groups and those of that type which have more than amply demonstrated their violence-prone propensities through bombings and some of their other activities.

Q Is the thrust of these guidelines quite the opposite of what you thought should have been done when you took over?

A I still cling to the idea that we should have broader capabilities in domestic-intelligence matters. I still feel that we should have electronic surveillance. But this is another matter which would be subject to legislation.

Q Are you going to fight for these things that you think should be done?

A I'm going to take them as the time comes to try to get them. I don't know that I'll fight for them. I certainly have expressed myself as desiring them. With the guidelines firmly entrenched, with us showing that we can certainly work within the structure, then perhaps we can go ahead and ask for and get consideration for electronic surveillance in domestic-intelligence cases.

For example, in the terrorist activities, while they're thumping us, I think that we should do everything we can, but we obviously can't get such legislation now. Perhaps later on we can.

Q Do you feel hampered in your efforts to deal with

Ford ordered an end to the controls that have kept the price of domestic "oil" generally from wells in operation before 1973—at an artificially low \$5.25 per barrel. Instead of the immediate and total decontrol he had once envisioned, however, Ford proposed a gradual phasing out of price controls over the next two and a half years. Eventually, all old oil—about 60 per cent of domestic production—would join "new oil" in following the world market price. But Ford conceded that there should be some limit; he proposed a domestic ceiling of \$13.50 per barrel.

Ripples: Ford's concessions on the question of a ceiling and on the need for gradual decontrol hinted plainly at compromise and thus were probably the most significant parts of his order, but critics preferred to focus initially on the plan's specific economic impact. The President said only that his proposal would add 1 cent to the price of each gallon of gasoline during the first year and a total of 7 cents in 30 months. But consumer advocate Ralph Nader warned of a far-reaching "ripple effect" inflating the economy. Some experts in Congress cited a computer projection warning that 800,000 more Americans would be unemployed, the gross national product would be cut by \$40 billion and consumer prices would be raised by 3.2 per cent.

Despite last-minute maneuvering, Ford apparently couldn't raise enough support to keep Congress from killing his decontrol plan this week. But he did have the votes to sustain his veto of a bill passed last week that would tighten controls on old oil and roll back new-oil prices to \$11.28 per barrel. Ford also pledged to veto a backup plan for simply extending current controls to March 1. To avoid the instant skyrocketing of prices, however, both sides may well agree to a briefer extension.

That would provide time for a more comprehensive compromise, and some of its features already seemed plain. One key House committee was considering a phased decontrol of oil, similar to Ford's plan but with a lower ceiling price. A consensus was also building on some sort of windfall-profits tax for oil companies, mandatory mileage standards for new automobiles, the creation of a strategic oil reserve—and a multimillion-dollar trust fund to help find new ways of keeping up with the nation's need for energy.

—DAVID M. ALPERIN with JEFFREY W. HURD and THOMAS M. D'ELIA in Washington

The FBI's 'Black-Bag Boys'

Every foreign intelligence agent had suspected it and every major mafioso had known for sure, but last week director Clarence Kelley made it official: the FBI, he reported, has in the past made "surreptitious entries" into various places, foreign embassies included, to obtain what it felt was important information. Kelley said the break-ins began during World War II and were largely discontinued by J. Edgar Hoover in 1966, and he implied they were legal because the agents "acted in good faith." But the disclosure touched off a major furor: Attorney General Edward Levi promised a criminal investigation, several foreign

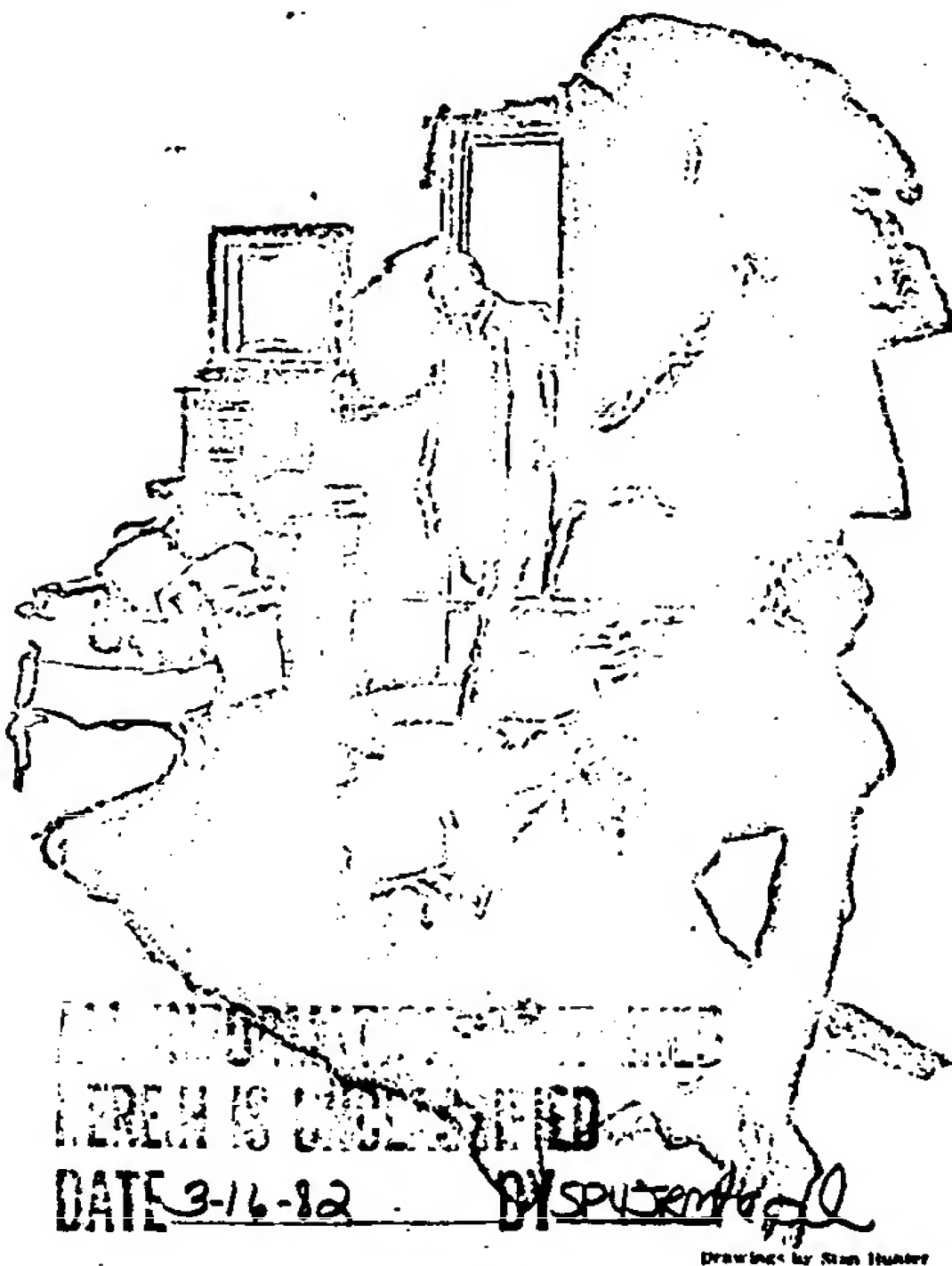
former agent who said he had taken part in many break-ins. "You were told you get caught, you're on your own. They were known as 'black-bag boys' or 'black-bag boys' and they usually consisted—at a minimum—of a locksmith, a lookout and a couple of men to do the ransacking. Depending on the purpose of the break-in, one of them would know how to use a camera to install a bug. Sometimes a 'slugger' was sent along to intercept unexpected visitors. 'We had guys who, if they went out, would be the best second-story men in the world,' boasted one former agent.

Over the years, a Justice Department official told NEWSWEEK, the FBI conducted about 100 break-ins of foreign embassies and missions, mob headquarters and the headquarters of such extremist groups as the Ku Klux Klan and the American Communist Party. The break-ins, averaging one a month by one estimate, were usually staged to obtain information that could be used to break foreign codes.

Bugs: One top source told NEWSWEEK last week that he never knew of a case in which the FBI planted a bug in an embassy, but if the code were cracked, a bug would be needed to get in that way and, besides, a camera bug was almost sure to be found. But break-ins against organized-crime figures and U.S. Communist agents were almost always to get bugs. "They had bugs in their apartments all over New York," said one government investigator.

A break-in at a mob headquarters in Brooklyn, for example, might employ only a local driver for a getaway car and a couple of agents. But a break-in at a major embassy or mission would require only a skilled team, but tens of agents to fan out a

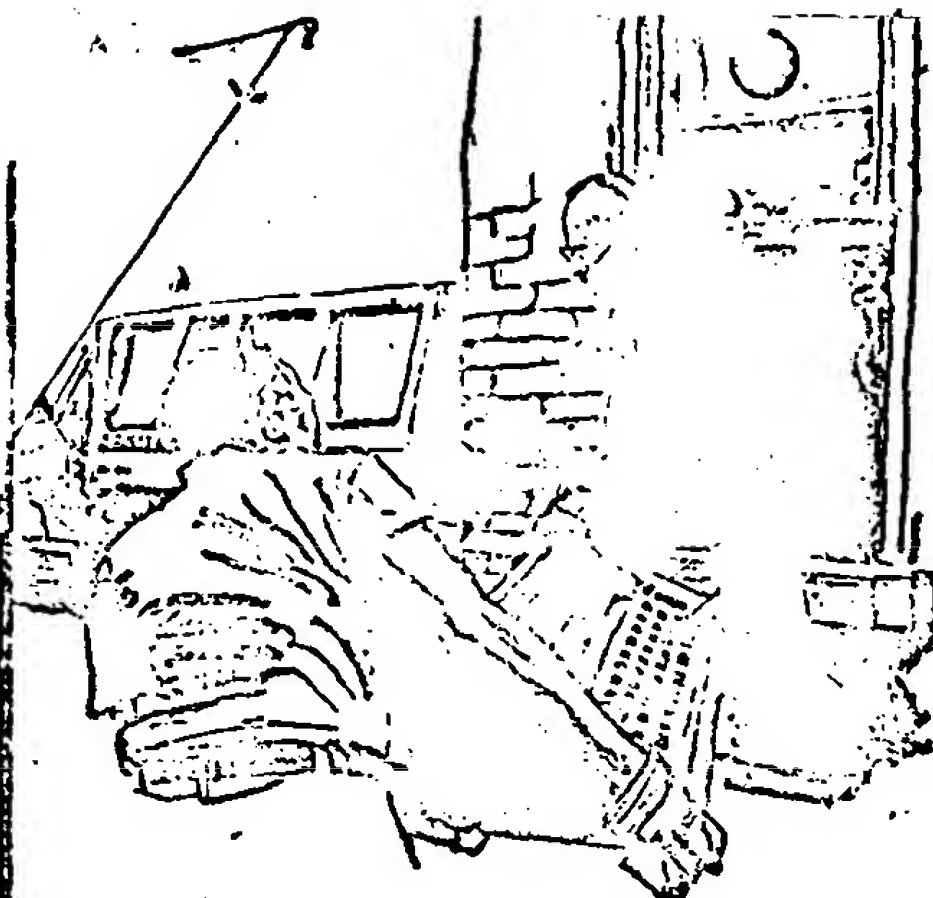
the city and watch all of the 50 persons known to have keys to the building. The agents who entered would take in sensitive cameras (able to take pictures without a flash) and small copying machines that could be folded into a suitcase. "They would read anything," said one FBI source. "They'd just copy everything in sight." The agents would photograph the copy machine from every possible angle, copy messages and replace the original. The idea was that the National Security Agency would have intercepted and decoded the coded messages and the FBI would have decoded copies. That, plus



Surprised by Soviet official, the 'slugger' goes to work

ambassadors called the White House to learn whether they had been targets, and Presidential counsel Philip Buchen berated Levi for not keeping Kelley "on a shorter leash." Most intriguingly, the director's disclosure also set other tongues wagging. NEWSWEEK's Anthony Marro pieced together this story of the FBI's after-hours adventures:

The FBI agents usually went in clean: no badge, no guns, no credentials. Almost always they wore the standard uniform of suit and tie, but with labels and cleaners' markings removed. "It was your ass if you got caught," recalled a



Czech defector slips coding machine to 'garbagemen'

photographs, might enable the NSA to break the code.

Two sources said that the FBI actually smuggled out an entire coding machine about fifteen years ago. Borrowing a truck and uniforms from a garbage-collection company, agents drove into the yard of the Czech Embassy in Washington and waited near an open window, through which a Czech defector passed not only the machine but nearly a truckload of files. "They were so excited that they forgot to pick up the garbage," said one source. The next morning, the FBI filmed the results from a hide-out. "One of the funniest things you'd ever see," the source said, "was the film of the Czech deputy chief of security going to the Soviet Embassy with his hat in his hand. The Czechs couldn't even wire Prague to tell them what had happened. They had to go to the Soviet Embassy and use the Soviet machines."

Salute: This same source and another agreed that in the late 1950s and early 1960s the FBI also broke into the Polish and Yugoslav embassies in Washington. At least three separate bureau sources agreed that there was "no way" for agents to penetrate the Soviet Embassy, so instead they targeted Soviet satellite countries. Even allies, such as France or Japan, were occasional targets, as were the Arab states. "All the Arab embassies were easy," said one bureau source. "The only problem was tripping over the Israelis already inside." He said that in at least one case FBI agents breaking into an Arab mission found themselves face to face with Israeli agents. What happens in such cases? "You salute each other and walk away," the source said. "Nobody wants any trouble."

There were enough problems as it was. Once, in a mob headquarters in the Midwest, an agent planting a microphone slipped on a joist in the attic and thrust his foot through the ceiling of the room below. The agents had to wake up

the owner of a hardware store and get plaster to repair the ceiling before dawn. During the late 1950s, two sources said, an agent had a heart attack and died while helping with a bag job in one of the Eastern European embassies. And sometimes local police stumbled onto an FBI break-in. When that happened, "You hit the cop and you ran," said one former agent. Said another: "There were some nasty confrontations in back alleys."

Two sources recalled a case ten years ago in which FBI agents had earlier planted a bug in the office of a mob attorney and had "gone back in to juice it up." One agent dropped something that he shouldn't have been carrying anyway—either his credentials or a report with his name

on it—and when the lawyer came in next morning, it was clear the FBI had been there. As the sources recalled it, the agent was fired.

There were cases in which local police concealed the FBI's tracks. More than a decade ago, a former New York City policeman recalled, the FBI broke into the apartment of a Soviet diplomat assigned to the United Nations. As usual, there was an agent on watch in the lobby of the apartment, but the Russian—who had forgotten some theater tickets—somehow returned without being spotted. When he discovered the agents, their only recourse was to pretend that they really were burglars. They hit him, knocked him down and hurriedly ransacked the room. The Russians called the cops, who came to investigate, but later that night the FBI told the detectives not to probe too hard. The detectives were unhappy about it because they had to fill out monthly status reports on the "unsolved" case.

On one occasion, however, the FBI unwittingly helped the New York police. An FBI agent was breaking into the apartment of a mobster while a lookout and a getaway man waited in separate cars. The plan was for the "burglar" to come out and signal to the lookout, who would honk twice; the getaway car would drive up and speed the "burglar" away. "Off they went at 90 miles per hour," said a former agent. "About six blocks away, the driver looks at the passenger and says, 'Who the f--- are you?' The passenger looks at the driver and answers, 'Who the f--- are you?'" The passenger, it seemed, was a police "burglar" whose target was another apartment in the same building—and whose getaway signal was also two honks of a horn.

NEW YORK:

MAC the Knife

Two crises ago—as New York reckons time these days—Gov. Carey and the New York State Legislature created the Municipal Assistance Corporation to help the Big Apple avert bankruptcy. That was back in June. Big Mac, as it was immediately dubbed, quickly prepared to take on part of the city's staggering \$6 billion burden of short-term debts. The MAC was to issue long-term bonds of its own—backed by specially earmarked city sales tax while watching over the traditional gimmick-ridden City Hall budget-making process. Politicians, union chiefs and financial leaders heaved sighs of relief—but that proved premature. When the city resumed its gimmickry, Big Mac gave a tepid welcome in the bond market and New York was faced last week with the most distasteful dose of fiscal medicine it has yet had to swallow.

Image: With its first \$1 billion bond issue not completely sold and another \$1 billion still to offer, Big Mac had Mayor Abe Beame to the City Hall veldt. Only weeks before, Beame had ordered massive layoffs of city workers, some 19,000 of which were still supposed to be in effect despite additional taxing power authorized for the city to help ease the crisis (NEWSWEEK, July 14). But that painful experience—including a ten-day garbage strike—had done more harm than good to the city's image with potential investors. Beame was told by a chairman, Thomas D. Flynn and other board directors. "The Big Mac director came back from their road show shoe and discouraged about the city's image around the country," one city official said. "They couldn't believe the hostility to the city and its life-style—from tuition at City University to years of capitulation to city unions."

Without Big Mac's bonds, officials



Beame and Flynn: A matter of psychology?

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. T. W. Leavitt

FROM : Mr. A. B. Fulton

SUBJECT: SURREPTITIOUS ENTRIES

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. T. W. Leavitt

DATE: 7/14/76

1 - Mr. A. B. Fulton

1 - [REDACTED]

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm _____
Director Sec'y _____

PURPOSE:

To record for information a 7/8/76 meeting of Intelligence Division (INTD) [REDACTED] and Civil Rights Division Attorney William L. Gardner.

SYNOPSIS:

On 4/13/76, INTD canvassed all field offices for documents similar to the SAC Folders discovered in the New York Office. On 7/8/76, Deputy Associate Director (Investigation) James B. Adams noted that in connection with the INTD inquiry into matters concerning surreptitious entry, all field offices had not been canvassed with instructions to review informant symbol number indexes for evidence of entry activity. Mr. Adams instructed that Departmental Attorney Gardner be advised of this and our proposal to conduct such a survey. Gardner was advised on 7/8/76 and he said he would give consideration to the proposal and advise at a later date whether or not the canvass should be conducted.

RECOMMENDATION:

None. For information.

EX-106

REC-35

JUL 23 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-10-82 BY SP4 Jem/sal

APPROVED:

Assoc. Dir. _____

Dep. AD Adm. _____

Dep. AD Inv. _____

Asst. Dir.: _____

Adm. Serv. _____

Ext. Affairs _____

Fin. & Pers. _____

Gen. Inv. _____

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Inspection _____

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Plan. & Eval. _____

Rec. Mgnt. _____

Spec. Inv. _____

Training _____

66-8160

(6)

CONTINUED - OVER

ROUTE IN ENVELOPE



6

4

4

1976 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

SPEC MAIL R

FBI/DOJ

Memorandum to Mr. T. W. Leavitt
Re: Surreptitious Entries
66-8160

DETAILS:

On 4/13/76, INTD canvassed each field office for documents similar to the SAC Folders dealing with entries located in the New York Office. The SAC Folders contained a number of memoranda showing requests and approvals to conduct entries. The 4/13/76 survey, however, did not specifically include a review of symbol number indexes as part of the instruction to locate documents relating to entries.

On 7/8/76, Deputy Associate Director (Investigation) James B. Adams noted that in connection with INTD inquiries into matters concerning surreptitious entries performed by Bureau personnel, all field offices had not been canvassed with instructions to review informant symbol number indexes for evidence of entry activity.

As in the case of technical, microphone and live sources, symbol numbers were assigned to surreptitious entries. Symbol number indexes are maintained at the field office level in a confidential informant files unit or similar section. The indexes are not a part of the general office indices.

Mr. Adams pointed out on 7/8/76 that by not checking the symbol number indexes in all field offices we may have created a gap in our efforts to locate material pertaining to entries, and that we should consult with the Department on this problem.

A check of indexes presently located in INTD - indexes dealing with technical, microphone, trash and mail coverage, and certain "anonymous source" contacts - fails to suggest field offices will have symbol number index cards in addition to those sent by them for indexing to Headquarters.

Nevertheless, Mr. Gardner was advised of the above on 7/8/76. He said he would consider our proposal to go to the field offices, and advise of his decision at a later date.

UNITED STATES GOVERNMENT

Memorandum

1 - J. B. Adams
1 - J. A. Mintz
1 - T. W. Leavitt
1 - E. J. Cassidy
1 - [REDACTED]

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
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Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

TO : Mr. J. B. Adams

FROM : T. W. Leavitt

SUBJECT: SURREPTITIOUS ENTRIES

JUNE

PURPOSE:

To record Intelligence Division (INTD) response to requests of the Department, and Senate and House Select Committees (SSC and HSC) for information concerning surreptitious entries.

SYNOPSIS:

In late June, 1975, a survey of INTD personnel obtained recollections as to surreptitious entries performed by Bureau personnel. Survey showed Mr. Hoover's July, 1966, instruction that all such activity should cease, and that documents pertaining to entries were destroyed following annual field office inspections. Mr. Kelley's July 14, 1975, press conference disclosed that no entries took place in the domestic area after 1966, and that he had authorized no such activity since becoming Director in July, 1973. Director's statements based on knowledge available to INTD personnel, through their recollections, and on July, 1966, Sullivan to DeLoach memorandum pertaining to black bag jobs. Civil Rights Division began its inquiry into entries on August 19, 1975. SSC and HSC, from August, 1975, to end of year, made numerous requests for information about entries in connection with information collection and electronic surveillances. We advised SSC in September, 1975, of entries against domestic targets. SSC staffer John Elliff provided access review to list of specific targets. On December 1, 1975, we advised the Civil Rights Division that domestic entry discovered during a review of material by Deputy Associate Director Adams. On January 8, 1976, in connection with the Socialist Workers Party (SWP) suit, a communication went to all offices. New York Office located 93 entries not previously brought to the attention of the SWP plaintiffs or the Department. Entries fell within the period 1966-1975. No indication at that time that New York had information in addition to the SWP entries. On March 17, 1976, Legal

Enclosures

66-8160

ENC. BEHIND FILE

CONTINUED - OVER

ROUTE IN ENVELOPE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



5010-108

FBI/DO

Memorandum to Mr. J. B. Adams
Re: Surreptitious Entries
66-8160

Counsel Division representative in New York Office learned of "SAC Folders" with information about entries from the 1940s through 1975, however, subsequent review showed no entries after April, 1973. Departmental Attorney William Gardner telephonically advised on the evening of March 17, 1976, of the discovery of additional information. New York Office instructed to review material. On March 18, 1976, a survey was made of all personnel at SAC level and higher in field and Section Chief and higher at FBIHQ for their knowledge of surreptitious entries. Legal Counsel Division memorandum of March 19, 1976, recommended canvass of all field offices for similar documents. Memorandum to Civil Rights Division on April 13, 1976, advised of discovery. List of entries resulting from this review furnished to Departmental Attorney Gardner on April 20, 1976. List of entries emanating from positive responses to an April 13, 1976, all-office communication for documents similar to those in New York Office, furnished to Department on April 30, 1976.

RECOMMENDATION:

None. For information.

APPROVED:

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____

Ext. Affairs. _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____

Laboratory. _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgmt. _____
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DETAILS:

In late June, 1975, a survey was made of Headquarters INTD personnel to obtain recollections and documents relating to surreptitious entries performed by Bureau personnel. Entries in both the domestic and foreign counterintelligence areas were located through recollection; however, only two documents dealing specifically with "black bag jobs" were found. One, a Sullivan to C. D. DeLoach memorandum of July 19, 1966, captioned "'Black Bag' Jobs," outlined the policies and procedures respecting recording of information pertaining to the entry activity, and set forth the value of the technique through several examples of surreptitious entries against foreign and domestic targets. At the end of this memorandum, Mr. Hoover noted that he wanted no more such techniques used. The second memorandum, dated January, 1967, from Mr. Hoover to Messrs. Tolson and DeLoach, reaffirmed Mr. Hoover's instructions that no "black bag jobs" would be approved by him.

Memorandum to Mr. J. B. Adams
Re: Surreptitious Entries
66-8160

The July 19, 1966, memorandum of Sullivan to DeLoach indicated that memoranda dealing with black bag jobs were to be kept in field offices for one year, until the time of the annual office inspection. Following review by the Inspector, the documents were to be destroyed.

The INTD survey failed to show any entries in the domestic area subsequent to Mr. Hoover's July, 1966, instruction.

On July 14, 1975, Director Kelley stated in a press conference that in the domestic area no entries occurred subsequent to 1966 - that he knew of no such entries. Director Kelley further indicated that since becoming Director in July, 1973, he had authorized no such entries. The Director's statement was based on (1) the July, 1966, Sullivan to DeLoach memorandum and, (2) recollections of INTD personnel as reported in the June, 1975, survey mentioned above. (Copy of press conference attached)

On July 25, 1975, in response to articles appearing in The New York Times and Newsweek concerning surreptitious entries conducted by the FBI, several memoranda were prepared and furnished to the Department. These memoranda were based on the June, 1975, INTD survey and outlined INTD knowledge of surreptitious entries as recalled by current personnel. (Copy of memorandum attached)

On August 19, 1975, the Civil Rights Division of the Department requested that the FBI furnish information about all entries performed by Bureau personnel subsequent to January 1, 1966. The Departmental request asked for such data as name of target, date of entry, purpose of entry, etc. INTD promptly began canvassing appropriate offices and Headquarters Sections for information responsive to the Civil Rights Division's request. The canvass was based on entry information contained in the June, 1975, survey of INTD personnel.

At approximately the same time as the Civil Rights Division inquiry was going on, the SSC and the HSC began making requests of the FBI for material dealing with entries in connection with electronic surveillances and entries to collect information, i.e. black bag jobs.

Memorandum to Mr. J. B. Adams
Re: Surreptitious Entries
66-8160

On September 22, 1975, the SSC requested information concerning entries against domestic targets.

On September 23, 1975, we furnished a memorandum to the SSC in response to its request of September 22. The memorandum set forth the number of targets known to us at the time and the number of entries made against those targets. We advised we were unable to provide an accurate accounting of entries or targets because procedures followed in reporting entry information were so couched that it was difficult to identify. We advised we had no central document, file or index listing all entries. (Memorandum attached)

On September 25, 1975, SSC staff member John Elliff was allowed access review of a list of specific targets which had been mentioned generally in the September 23 memorandum. At the time of the review, it was pointed out to Mr. Elliff that we were unable to say that the list was all-inclusive, that we could not locate documents pertaining to entries because of the "Do Not File" destruction procedures, and that we could not say definitively that we had located all entries.

Included in our September 23 memorandum was mention of an April, 1968, entry against a domestic group in New York City. This entry was not known to Headquarters at the time of Director Kelley's July 14 press statement, but came to our attention sometime in mid-August as a result of a contact between the New York Office and Assistant Director W. Raymond Wannall.

The Department was advised in early September, 1975, of the April, 1968, entry, and at the same time we furnished information about certain entries in the foreign counterintelligence area.

From August, 1975, through the end of the year, we responded to numerous Departmental, SSC and HSC requests for information pertaining to surreptitious entries. Except for the one April, 1968, entry previously mentioned, we learned of no further entries occurring in the domestic area subsequent to July, 1966. Our belief that no documents existed in this respect was reinforced by this failure to locate such material.

Memorandum to Mr. J. B. Adams
Re: Surreptitious Entries
66-8160

On December 1, 1975, we advised the Civil Rights Division of an October, 1963, entry against a domestic group in New York City. The entry, against the Fair Play for Cuba Committee, was outside the scope of the Department's inquiry (i.e., entries subsequent to January 1, 1966); however, on instruction of Deputy Associate Director Adams, who discovered the entry information during a review of material dealing with the Oswald investigation, we furnished information to the Civil Rights Division. (Memorandum attached)

Subsequent to preparation of our September 23, 1975, memorandum dealing with domestic targets, we learned of an October, 1963, entry against a domestic target in New York City. Although this target did not fall within the scope of the Department's inquiry, we, nevertheless, furnished details to the Department, and amended our memoranda to the SSC. In addition, we amended a memorandum forwarded to the HSC on November 5, 1975, to include this newly discovered entry.

On January 8, 1976, in connection with the Socialist Workers Party (SWP) suit against the Bureau, a communication was directed to our New York Office (as well as all other offices) to determine if any documents existed pertaining to entries against the SWP. (Communication attached)

On January 22, 1976, the New York Office advised of a number of entries against the SWP (93) which had not previously been brought to the attention of either the SWP plaintiffs, or the Department. These entries occurred during the time frame 1960-1966. (Communication attached)

There was no indication in the January 22 communication from New York that documents or information about entries, other than the SWP entries, existed at New York. More particularly, no indication was given that entry information existed after Mr. Hoover's July, 1966, instruction.

The discovery of entries against the SWP during the period 1960 - 1966 was brought to the attention of the SWP plaintiffs; however, as those entries occurred prior to Mr. Hoover's termination of such activity and outside the Statute of Limitations, there was at that time no concern over amending our previously furnished statistics to the SSC and the HSC. The Department, in connection with its handling of the SWP suit, was advised.

Memorandum to Mr. J. B. Adams
Re: Surreptitious Entries
66-8160

On March 17, 1976, a representative of the Legal Counsel Division was in the New York Office. From the SWP case Agent there, it was learned that in addition to information about 93 entries against the SWP, certain "SAC Folders" contained information about entries of the New York Office from the "1940s through 1975." Subsequent review of these "folders," which were documents maintained outside normal record channels, failed to reflect any entry activity after April, 1973. The period initially stated, i.e., "1940s through 1975," was based on New York's first review of the material, and reflected an assumption that material extended through 1975. Our later review proved this false.

On return to Headquarters, the Legal Counsel Division representative immediately reported this discovery to INTD.

On learning of this discovery at the New York Office, SA [REDACTED] INTD telephonically contacted Departmental Attorney William L. Gardner on the same date, March 17, 1976. Mr. Gardner, who was at his residence when contact was made, was advised that in the New York Office a number of documents had been discovered showing entries over an extended period, from the 1940s to 1975. Mr. Gardner was told that at that time the exact material located had not been reviewed and analyzed to determine what, if any, activity fell within the scope of the Department's inquiry (entries since January 1, 1966); however, this would be done and he would be advised as soon as the review was completed.

On March 18, 1976, in response to an earlier Civil Rights Division request, a communication was directed to all personnel at the level of SAC and higher in the field, and Section Chief and higher at FBIHQ, asking for their knowledge, however incomplete, concerning entries. Results of the survey were furnished to the Department on May 14, 1976. (Memoranda attached)

On March 19, 1976, Legal Counsel Division advised INTD in a memorandum of the discovery of material relating to entries of the New York Office. It was recommended that New York Office be instructed to review the material and report results to FBIHQ. In addition, it was recommended that other field offices be queried as to whether or not similar documents existed there. The Director reviewed this memorandum. (Memorandum attached)

Memorandum to Mr. J. B. Adams
Re: Surreptitious Entries
66-8160

On March 26, 1976, a communication was directed to the New York Office instructing a review of material located during the March 17, 1976, discovery, especially as it pertained to entries subsequent to January 1, 1966.

The New York Office responded on April 5, 1976, with a communication showing, among other entries, several entries occurring within the Statute of Limitations (1972 - 1973). All of the entries mentioned in this April 5 communication pertained to domestic targets. The communication was immediately brought to the attention of Deputy Associate Director James B. Adams.

On April 7, 1976, the New York Office was instructed to review the above material for entry information relating to counterintelligence (foreign) investigations. New York responded on April 9.

On April 13, 1976, the Civil Rights Division was advised of the discovery in New York Office of information relating to entry activity. (Memorandum attached)

Theorizing that documents similar to those found at New York on March 17, 1976, might exist in other offices, an all-office communication was sent on April 13, 1976. (Communication attached)

By April 20, 1976, the results of the April 13 survey were in. To insure rapid transmission of the results to the Department, SA [REDACTED] INTD, furnished Departmental Attorney William L. Gardner a rough draft paper showing material discovered not only at New York on March 17, but material from 3 other offices which responded positively to the April 13 survey. (List attached)

On April 30, 1976, a memorandum was directed to the Civil Rights Division showing the results of our field-wide, April 13, survey. (Memorandum attached)

Review of the testimony of Deputy Associate Director (Investigation) James B. Adams before the SSC on November 19, 1975, failed to reflect material relating to surreptitious entries. (Testimony attached)

Memorandum to Mr. J. B. Adams
Re: Surreptitious Entries
66-8160

In summary, at the time of Mr. Kelley's July 14, 1975, press conference, the best available information at INTD was that there were no surreptitious entries performed by Bureau personnel in the domestic area, subsequent to Mr. Hoover's July, 1966, instruction. Subsequent to the July, 1975, conference, in approximately mid-August, 1975, we learned of an April, 1968, entry against a domestic target. This was brought to the attention of the Department, and the SSC and HSC, in memoranda submitted to those groups. It was not until March 17, 1976, that information came to the attention of INTD that documents existed in a field office relating to entries subsequent to 1966, and within the Statute of Limitations. The Department was promptly advised of these discoveries.

~~CONFIDENTIAL~~

(IS-3) 62-116395

September 23, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: SURREPTITIOUS ENTRIES - DOMESTIC TARGETS

Reference is made to SSC letter dated September 22, 1975, from Mr. John T. Elliff, Director, Domestic Intelligence Task Force, to Mr. Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, Office of the Deputy Attorney General, wherein Mr. Elliff made the following request with respect to domestic targets of surreptitious entries conducted by the FBI:

1. Statistics on the volume of such surreptitious entries in inclusive categories such as "subversive," "white hate," organized crime," or "miscellaneous." These statistics should be cleared for public disclosure.
2. Committee access at FBI Headquarters to a complete list of specific targets, represented by the statistics in Item 1, above.
3. Delivery to the Chairman and Vice Chairman of the list of specific targets requested for access in Item 2, above.

With respect to this request, from 1942 to April, 1968, surreptitious entry was utilized by the FBI on a highly selective basis in the conduct of certain investigations. Available records and recollection of Special Agents at FBI Headquarters (FBIHQ), who have knowledge of such activities, identify the targets of surreptitious entries as domestic subversive and white hate groups. Surreptitious entry was used to obtain secret and closely guarded organizational and financial information, and membership lists and monthly reports of target organizations.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

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DATE _____ BY _____

~~CONFIDENTIAL~~

Class. & Ext. By SP4 JRM/cal
Reason-FCIM II 1-2.4.2
Date of Review 9-23-95
3-H-82

Re: Surreptitious Entries - Domestic Targets

~~CONFIDENTIAL~~

When a Special Agent in Charge (SAC) of a field office considered surreptitious entry necessary to the conduct of an investigation, he would make his request to the appropriate Assistant Director at FBIHQ, justifying the need for an entry and assuring it could be accomplished safely with full security. In accordance with instructions of Director J. Edgar Hoover, a memorandum outlining the facts of the request was prepared for approval of Mr. Hoover, or Mr. Tolson, the Associate Director. Subsequently, the memorandum was filed in the Assistant Director's office under a "Do Not File" procedure, and thereafter destroyed. In the field office, the SAC maintained a record of approval as a control device in his office safe. At the next yearly field office inspection, a review of these records would be made by the Inspector to insure that the SAC was not acting without prior FBIHQ approval in conducting surreptitious entries. Upon completion of this review, these records were destroyed.

There is no central index, file, or document listing surreptitious entries conducted against domestic targets. To reconstruct these activities, it is necessary to rely upon recollections of Special Agents who have knowledge of such activities, and review of those files identified by recollection as being targets of surreptitious entries. Since policies and procedures followed in reporting of information resulting from a surreptitious entry were designed to conceal the activity from persons not having a need to know, information contained in FBI files relating to entries is in most instances incomplete and difficult to identify.

Reconstruction of instances of surreptitious entry through review of files and recollections of Special Agent personnel at FBIHQ who have knowledge of such activities, show the following targets and the approximate number of entries conducted against each:

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
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ALL 6/17/10

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. F. J. Cassidy
(1 - [REDACTED])

(IS-3) 62-116395

September 23, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: SURREPTITIOUS ENTRIES - DOMESTIC TARGETS

Reference is made to SSC letter dated September 22, 1975, from Mr. John T. Elliff, Director, Domestic Intelligence Task Force, to Mr. Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, Office of the Deputy Attorney General, wherein Mr. Elliff made the following request with respect to domestic targets of surreptitious entries conducted by the FBI:

1. Statistics on the volume of such surreptitious entries in inclusive categories such as "subversive," "white hate," organized crime," or "miscellaneous." These statistics should be cleared for public disclosure.

2. Committee access at FBI Headquarters to a complete list of specific targets, represented by the statistics in Item 1, above.

3. Delivery of the Chairman and Vice Chairman of the list of specific targets requested for access in Item 2, above.

With respect to this request, from 1942 to April, 1968, surreptitious entry was utilized by the FBI on a highly selective basis in the conduct of certain investigations. Available records and recollection of Special Agents at FBI Headquarters (FBIHQ), who have knowledge of such activities, identify the targets of surreptitious entries as domestic subversive and white hate groups. Surreptitious entry was used to obtain secret and closely guarded organizational and financial information, and membership lists and monthly reports of target organizations.

(9)

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DATE 3-16-82 BY SP4 JRM/cal

ORIGINAL AND ONE COPY TO THE ATTORNEY GENERAL

Re: Surreptitious Entries - Domestic Targets

When a Special Agent in Charge (SAC) of a field office considered surreptitious entry necessary to the conduct of an investigation, he would make his request to the appropriate Assistant Director at FBIHQ, justifying the need for an entry and assuring it could be accomplished safely with full security. In accordance with instructions of Director J. Edgar Hoover, a memorandum outlining the facts of the request was prepared for approval of Mr. Hoover, or Mr. Tolson, the Associate Director. Subsequently, the memorandum was filed in the Assistant Director's office under a "Do Not File" procedure, and thereafter destroyed. In the field office, the SAC maintained a record of approval as a control device in his office safe. At the next yearly field office inspection, a review of these records would be made by the Inspector to insure that the SAC was not acting without prior FBIHQ approval in conducting surreptitious entries. Upon completion of this review, these records were destroyed.

There is no central index, file, or document listing surreptitious entries conducted against domestic targets. To reconstruct these activities, it is necessary to rely upon recollections of Special Agents who have knowledge of such activities, and review of those files identified by recollection as being targets of surreptitious entries. Since policies and procedures followed in reporting of information resulting from a surreptitious entry were designed to conceal the activity from persons not having a need to know, information contained in FBI files relating to entries is in most instances incomplete and difficult to identify.

Reconstruction of instances of surreptitious entry through review of files and recollections of Special Agent personnel at FBIHQ who have knowledge of such activities, show the following categories of targets and the approximate number of entries conducted against each:

1. At least fourteen domestic subversive targets were the subject of at least 238 entries from 1942 to April, 1968. In addition, at least three domestic subversive target were the subject of numerous entries from October, 1952, to June, 1966. Since there exists no precise record of entries, we are unable to retrieve an accurate accounting of their number.

Re: Surreptitious Entries - Domestic Targets

2. One white hate group was the target of an entry in March, 1966.

A recent survey of policies and procedures of the General Investigative and Special Investigative Divisions at FBIHQ with respect to surreptitious entries, disclosed that with the exception of entries made for the purpose of installation of authorized electronic surveillances, the technique of surreptitious entry has not been used in criminal investigations.

A list of specific targets has been prepared for review by Senators Church and Tower, and appropriate FBIHQ officials are available for a discussion of this list.

NOTE:

A memorandum containing specific targets has been prepared and is available for use by FBIHQ officials should Senator Church and Tower request a meeting to examine the list.

ALL (6/17/10)

2 - J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. F. J. Cassidy
1 - [REDACTED]

September 23,

The Attorney General

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to the memorandum dated September 22, 1975, from Mr. John T. Elliff, Director, Domestic Intelligence Task Force, to Mr. Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, Office of The Deputy Attorney General, wherein Mr. Elliff requested information concerning surreptitious entries conducted by the FBI against domestic targets.

Enclosed in response to the above request for your approval and forwarding to the Committee is the original of a memorandum dated September 23, 1975. A copy has been enclosed for your records.

A list of specific targets has been prepared and, pending appropriate arrangements, will be made available for review by Senators Church and Tower.

Enclosures (2)

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

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(10)

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DATE 3-16-82 BY SP4JRM/cal

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FEDERAL BUREAU OF INVESTIGATION

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Information pertained only to a third party with no reference to you or the subject of your request.



Information pertained only to a third party. Your name is listed in the title only.



Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

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For your information: _____



The following number is to be used for reference regarding these pages:

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#1 Sent 1/13/76

ALL 6/17/10

1 - Mr. J. B. Adams
1 - Mr. J.A. Mintz
(Attn: [REDACTED])
(Route thru for review)
1/7/76

Mr. W. R. Wannall

R. L. Shackelford

1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - [REDACTED]

SOCIALIST WORKERS PARTY, et. al.
ATTORNEY GENERAL, et. al.
(U.S.D.C., S.D.N.Y.)
73 CIV. 3160 (TPG)

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DATE 3-16-82 BY SP

Reference is made to Legal Counsel memorandum to Mr. J. B. Adams, 11/20/75, captioned as above, requesting Intelligence Division review 26 items requested by the plaintiffs including one item for documents on surreptitious entries.

PURPOSE:

To obtain approval for the forwarding to all offices of the attached airtel which requests each office to review field office files for any documents from 1960 to the present relevant to any surreptitious entries against the plaintiffs.

BACKGROUND:

Plaintiffs, the Socialist Workers Party (SWP), its young group, the Young Socialist Alliance (YSA), and fifteen individual plaintiffs, filed captioned civil action during 7/73, alleging that defendants, the FBI, other Governmental agencies and officials have denied them constitutional rights as a political party. They seek substantial damages as well as broad injunctive relief.

In connection with pretrial discovery proceedings, we are attempting to locate any documents which may exist relating to surreptitious entries or "bag jobs" which may have been perpetrated against the plaintiffs. We have already advised the plaintiffs that there is no central index, file, or document listing surreptitious entries directed against domestic organizations. The reporting of information from such entries was designed to conceal the method by which the information was obtained. Because such information is not retrievable at Headquarters, it is necessary for each office which may have documents relevant to this lawsuit to conduct reviews of their own records.

Enclosure

100-16
[REDACTED]

(7)

Continued - Over

DATE

ALL INFORMATION CONTAINED
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BY

Memorandum to Mr. W. R. Wannall
Re: Socialist Workers Party, et. al. v.
Attorney General, et. al.
100-16

There is no way the necessary information can be obtained at Headquarters to frame the necessary response to plaintiffs' request. Consequently, all field offices are being requested to review their records on the named plaintiffs and to forward their results to Headquarters by COB 1/23/76. It is anticipated the U.S. Attorney at New York will shortly thereafter be required to furnish a response on this matter to the plaintiffs.

RECOMMENDATION:

That the attached airtel be approved and sent.

INTELLIGENCE ACTIVITIES

SENATE RESOLUTION 21

HEARINGS

BEFORE THE

**SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES**

OF THE

UNITED STATES SENATE


NINETY-FOURTH CONGRESS

FIRST SESSION

VOLUME 6

FEDERAL BUREAU OF INVESTIGATION

NOVEMBER 18, 19, DECEMBER 2, 3, 9, 10, AND 11, 1975

**ALL INFORMATION CONTAINED
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**Printed for the use of the Select Committee To Study Governmental
Operations With Respect to Intelligence Activities**

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**SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES**

FRANK CHURCH, Idaho, Chairman

JOHN G. TOWER, Texas, Vice Chairman

PHILIP A. HART, Michigan

WALTER F. MONDALE, Minnesota

WALTER D. HUDDLESTON, Kentucky

ROBERT MORGAN, North Carolina

GARY HART, Colorado

HOWARD H. BAKER, Jr., Tennessee

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CHARLES MCC. MATHIAS, Jr., Maryland

RICHARD SCHWEIKER, Pennsylvania

WILLIAM G. MILLER, Staff Director

FREDERICK A. O. SCHWARTZ, Jr., Chief Counsel

CURTIS R. SMOTHERS, Counsel to the Minority

AUDREY HATBY, Clerk of the Committee

(II)

Do you and each of you solemnly swear that all of the testimony that you will give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ADAMS. I do.

Mr. WANNALL. I do.

The CHAIRMAN. After yesterday's hearing I asked the staff to furnish me with the statutory authority that presently exists that could be said to relate to the FBI's intelligence activities, which was of course the subject of yesterday's hearings. And I am furnished in response to that request title XVIII, section 533, of the United States Code, which reads as follows:

The Attorney General may appoint officials: 1. to detect and prosecute crimes against the United States; 2. to assist in the protection of the person of the President; and 3. to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General.

Now yesterday, Mr. Wannall, we were told about a series of activities that were undertaken by the FBI, and indeed, initiated within the FBI, the purpose of which was to harass and discredit Dr. Martin Luther King. I am not referring to the results of any FBI investigative activity, but rather, I am referring to these kinds of initiatives that were undertaken for the purpose of either harassing or embarrassing or otherwise discrediting Dr. King himself. My first question is: was Dr. King, in his advocacy of equal rights for black citizens, advocating a course of action that in the opinion of the FBI constituted a crime?

TESTIMONY OF JAMES B. ADAMS, DEPUTY ASSOCIATE DIRECTOR OF THE FBI, AND RAYMOND WANNALL, ASSISTANT DIRECTOR, FBI INTELLIGENCE DIVISION

Mr. ADAMS. No, sir.

The CHAIRMAN. So he was not then thought to be engaged in any criminal activity. In fact, he was preaching, as I remember those days, nonviolence, was he not, as a method of achieving equal rights for black citizens?

Mr. ADAMS. That's right, his advocacy for civil rights.

The CHAIRMAN. His advocacy of civil rights was nonviolent and therefore legal in character.

Mr. ADAMS. That was not the basis of our investigation of him.

The CHAIRMAN. But as you have said, he was not engaging in any unlawful activity in connection with his advocacy of equal rights for black citizens. Is that correct?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. Well, is it true that at one time the FBI undertook to discourage an American college from conferring an honorary degree on Dr. King?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. On what legal basis does the FBI have a right to interfere, in an effort to discourage a college from conferring an honorary degree upon a man like Dr. Martin Luther King, who was not engaging in or suspected of engaging in criminal activity?

Mr. ADAMS. I know of no basis.

The CHAIRMAN. Why did the FBI do it?

Mr. ADAMS. Well, we have to approach two parts, in my estimation, Senator Church. One, the basis for our investigation of Martin Luther King, which was to determine Communist influence on him, my hands are tied in discussing that, somewhat on the basis that there is certain information which today, from an ongoing operation is sensitive and which, of course, we have made known to you and certain staff members. I would like to say on the basis that from our review we feel that we initially had a basis for investigating Martin Luther King. Now as far as the activities which you are asking about, the discrediting, I know of no basis for that and I will not attempt to justify it.

The CHAIRMAN. You never made a finding, did you, that Martin Luther King was a Communist?

Mr. ADAMS. No, sir, we did not. We were investigating Communist influence and the possible effect on him. We never made such a determination.

The CHAIRMAN. Very well. Then there was no justification for the FBI to interfere?

Mr. ADAMS. To discredit him.

The CHAIRMAN. In conferring an honorary degree upon him?

Mr. ADAMS. I cannot find any justification for that.

The CHAIRMAN. Is it true that the FBI on another occasion intervened in an attempt to prevent Dr. Martin Luther King from seeing the Pope?

Mr. ADAMS. I believe that is correct, sir. There were approximately 25 incidents, I believe, of actions taken in this regard. I think Mr. Schwarz has those available, that I would lump basically all of them into the same situation of I see no statutory basis or no basis of justification for the activity.

The CHAIRMAN. But what was the motive, there being no statutory or other valid basis? What was the motive for attempting to prevent Dr. Martin Luther King from visiting with the Pope?

Mr. ADAMS. In looking at absolute motive, I don't think the files which we have reviewed and made available to the committee, give me a clear picture of what the motive was. I think that there were, the motive was certainly known to Mr. Hoover. It was known to one top official who is no longer with the Bureau and maybe known to others, all of whom have been interviewed by the committee. Matters bearing on what might have been the real motive or the possible motive, I again feel, because of reasons of privacy and delicacy, are not a proper subject of discussion at a public hearing. I think we know what could have influenced this, but one, the primary individual, Mr. Hoover, is not with us. Individuals who were closest to him in this effort are not with us. And the committee itself has interviewed them. So I really am not in a position to discuss this motive issue.

The CHAIRMAN. Nevertheless, you would agree that whatever the motive, it was a very improper thing to do.

Mr. ADAMS. I cannot find any justification, no, sir.

The CHAIRMAN. Is it true that after Dr. Martin Luther King had been nominated for the Nobel Peace Prize, that an anonymous letter was sent to him and to Coretta King, his wife, 34 days before he was to receive the Nobel Peace Prize? [See footnote p. 21.]

Mr. ADAMS. I do not think those dates are correct.

The CHAIRMAN. Well, it was sent—

Mr. ADAMS. It was before he was to receive it. I think 34 days—upon reconstruction by one of the members of my staff, 34 days would have been Christmas Day, and whether that 34 days—

The CHAIRMAN. It is hard to believe that such a letter would be written on Christmas Day.

Mr. ADAMS. It was not written on Christmas Day, but 34 days—the Nobel Peace Prize I think was on December 10, the letter—34 days from the date of the mailing of the letter as has been reconstructed, as best as possible, would have been Christmas Day.

The CHAIRMAN. Was the letter written and sent by the FBI?

Mr. ADAMS. We have no information to that effect. All we know is that the draft, or original, of what may have been the letter was found in papers of the FBI left after a former official departed the FBI. We know that based upon inquiries that we have conducted and you have conducted, we know that the letter was not—I mean it was in connection with other material. So I think we can assume—

The CHAIRMAN. Other materials which were sent.

Mr. ADAMS. That's right. So I can assume that the letter was sent. I have determined nothing from my review of the files, and neither has your staff, to my knowledge, or has been reported back to me which would indicate that this action was duly recorded in any file or was a part of any authorized program or anything else. This is a void that I do not think any of us has been satisfactorily able to resolve.

The CHAIRMAN. We know the letter appeared in the files. We know that the letter was received. We know it was associated with other matters that were sent by the FBI to Dr. Martin Luther King.

Mr. ADAMS. The letter was never in our files in the sense that it was entered into the official files of the FBI. It was among papers—

The CHAIRMAN. It was among papers.

Mr. ADAMS. Left by an individual who had departed.

The CHAIRMAN. That individual being Mr. Sullivan?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. The letter read: "King, there is only one thing left for you to do. You know what it is. You have just 34 days in which to do it, this exact number has been selected for a specific reason. It has definite practical significance. You are done. There is but one way out for you."

Now, if you had received such a letter, how would you have interpreted it? What would you have thought it meant?

Mr. ADAMS. I have read that statement. I have heard the conclusions of your staff that it was a suicide urging. I can't find any basis upon which they drew that conclusion. I think that, approaching it from an objective standpoint, as I read it, I don't know what it means. I think rather than a conclusion it should be a speculation in a realm of possibilities as to what was intended, but I cannot—I don't understand the basis for it. It is a possibility, but I certainly would not reach such a conclusion from my reading of that statement.

The CHAIRMAN. Now, if you had received a letter of this kind and it had been directed to you, and you were in Dr. King's position and you read, "King, there is only one thing left for you to do. You know what it is. You have just 34 days in which to do it." Now, that hap-

pened to correspond to the time before which he was to receive the Nobel Peace Prize. What would you think that it meant?

Mr. ADAMS. I would have to consider what I was being accused of. I would have to consider what the facts were. I would have to consider what the intent was of the person writing such a note, coming just before Christmas. I don't know if it means, it is an urging to repent from something this person, whoever he was, that had sent it, I have no idea what it meant.

The CHAIRMAN. It is certainly no Christmas card, is it?

Mr. ADAMS. It is certainly no Christmas card.

The CHAIRMAN. It reads, "You are done. There is but one way out for you." What does that mean?

Mr. ADAMS. I don't know. I don't know if it means confession. I don't know if it means suicide, as has been raised. I have no idea. You have the statement. I am not in a position to say. I haven't interviewed anyone that was with him at the time he received it.

The CHAIRMAN. Would you disown this statement and say that any connection the FBI had with it was utterly improper and grotesque?

Mr. ADAMS. I certainly would say it was improper, and I can't justify its being prepared or sent, yes, sir.

Senator MONDALE. Mr. Chairman, if I might just interrupt.

The CHAIRMAN. Senator Mondale.

Senator MONDALE. What I asked the staff yesterday was what Dr. King took it to mean. I have no knowledge of what those who framed this letter intended, and those who were with him at the time he read it, including Congressman Young who was one of his assistants at the time, said that they took it to mean a suggestion that he take his own life.

Mr. ADAMS. I am not in possession of that information. I am being put in a position, I don't know what the staff determined. They did not report back to me on their findings.

The CHAIRMAN. The letter will speak for itself. You personally have disowned it.

Mr. ADAMS. Absolutely.

The CHAIRMAN. It was a highly improper thing for the FBI to be connected with in any way. Do you agree with that?

Mr. ADAMS. Yes, sir; yes, sir.

The CHAIRMAN. Now, without going through the many different and specific undertakings that were intended to publicly discredit Dr. King, because my time will not permit that, and others will want to question you on other specific matters, I have just one further question to put to you. Yesterday there was a document of the FBI which suggested that in the opinion of the Bureau, Dr. King was an unsuitable leader for the civil rights movement, and that another man should be looked for, and indeed, another candidate was actually suggested to Mr. Hoover as one who should be promoted in various ways so that he might assume the leadership of this movement.

Now, can you tell me of anything in the law, or any other justification, given the mission of the FBI, that would entitle it to decide who should lead political movements in this country or to undertake to degrade a man who had fought and won such leadership and had the support of a great many black people in this country, and white

people as well, and to substitute in his place someone of the FBI's selection or someone who stood in the FBI's favor! Can you think of any justification for such activity on the part of a law enforcement agency?

Mr. ADAMS. I can't think of any offhand; no, sir.

The CHAIRMAN. Neither can I. Senator Tower?

Senator TOWER. Thank you, Mr. Chairman.

What is your understanding of the underlying causes of the feud between Mr. Hoover and Dr. King?

Mr. ADAMS. Senator Tower, I feel if we got into any discussion of that, I think we would have to take into consideration certain material which I feel should not be disclosed publicly, and I would respectfully ask that a question of motive of Mr. Hoover and the spat with Mr. King should be discussed in executive session, if at all.

Senator TOWER. In 1965, Attorney General Katzenbach was informed by Mr. Hoover of the Bureau's surveillance of Dr. King. What was the Attorney General's reaction? What was his position once he was informed by Mr. Hoover of this surveillance?

Mr. ADAMS. I don't recall having seen it.

Senator TOWER. In other words, did the Attorney General give any direction to the Bureau in the matter that you know of?

Mr. ADAMS. Yes, sir. I know that, of course, on the wiretapping on Martin Luther King, it was approved by the Attorney General. I know that the President of the United States and the Attorney General specifically discussed their concern with Dr. King over Communist influence on him. I do know there was concern, but I don't tie in this date, 1965.

Senator TOWER. Do you know whether or not Mr. Hoover ever sought direct authorization from Mr. Katzenbach for this very sensitive surveillance of Dr. King?

Mr. ADAMS. I don't know. Attorney General Kennedy approved the actual surveillance that was instituted on Dr. King. I don't know of any correspondence between Attorney General Katzenbach—

Senator TOWER. Or any personal communication between them that would have indicated the level of the Attorney General's involvement?

Mr. ADAMS. No. If my recollection serves me correctly, as far as Attorney General Kennedy was concerned, he requested coverage on Dr. King. The Bureau responded with a request in writing, which is our normal procedure. He declined to approve that request, and then we came back later, a few months later, and requested it again, at which time he did approve. That is my recollection of that.

Senator TOWER. Why did the Attorney General change his mind? Do you have any idea, or is that again a matter of sensitivity?

Mr. ADAMS. I don't know why he actually changed his mind from originally requesting, then declining when it was submitted, and then approving it on the second go-round. It may be in the files. If it is, I would be glad to see what I could determine.

Senator TOWER. If you could, we would like to have that. [See footnote, p. 21.]

Mr. ADAMS. Yes, sir.

Senator TOWER. Mr. Adams, you have been familiar with the Bureau's domestic intelligence work for many years. How did the Bureau come to launch the COINTELPRO, and what in essence did COINTELPRO accomplish?